United Nations A/55/290

General Assembly

Distr.: General
11 August 2000

Original: English

Fifty-fifth session
Item 116 (a) of the provisional agenda*
Human rights questions: implementation of human rights instruments

Question of torture and other cruel, inhuman or degrading treatment or punishment

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the question of torture and other cruel, inhuman or degrading treatment or punishment, submitted by Sir Nigel Rodley, Special Rapporteur of the Commission on Human Rights, in accordance with paragraph 29 of General Assembly resolution 54/156.

* A/55/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 11 August 2000 so as to include as much updated information as possible.

00-60508 (E) 031000

Interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment

I. Introduction

1. The present report is the second report submitted to the General Assembly by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, Sir Nigel Rodley, pursuant to General Assembly resolution 54/156 and Commission on Human Rights resolution 2000/43. This report contains issues of special concern to the Special Rapporteur, in particular overall trends and recent developments in the United Nations human rights mechanisms of relevance to his mandate.

2. In accordance with General Assembly resolution 54/156, this report addresses questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and questions relating to the torture of children. The Special Rapporteur would like to draw the attention of the Assembly to his reports to the Commission contained in documents E/CN.4/1995/34 and E/CN.4/1996/35 in which these issues have respectively been previously addressed.

3. In view of the adoption by the Commission on Human Rights at its fifty-sixth session of resolution 2000/61 on human rights defenders, in which the Commission requested the Secretary-General to appoint a special representative to report on the situation of human rights defenders, the Special Rapporteur would like to address the issue of torture and human rights defenders. The theme of this year's commemoration of the United Nations International Day in Support of Victims of Torture (26 June) was the question of reparation to torture victims. The Special Rapporteur considers it appropriate to address this issue, as well as the related question of impunity for perpetrators of torture, in the present report. In view of the theme chosen for the special dialogue of the last session of the Commission on Human Rights, a chapter will be devoted to the question of poverty and the enjoyment of human rights.

4. Finally, the Special Rapporteur strongly supports the call from the Secretary-General earlier this year for States to ratify 25 core treaties, including seven human rights instruments among which is the Convention against Torture.

II. Issues of special concern to the Special Rapporteur

A. Gender-specific forms of torture

5. The Special Rapporteur has continued to receive information according to which women are subjected to gender-specific forms of torture, including rape, sexual abuse and harassment, virginity testing, forced abortion or forced miscarriage. A large number of individual cases have been transmitted, mostly in conjunction with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, to several Governments during previous years. No specific issue regarding gender-specific forms of torture, except information on so-called virginity tests (see below), have been drawn to the attention of the Special Rapporteur since his 1994 study (E/CN.4/1995/34) in which he examined questions concerning torture directed disproportionately or primarily against women and conditions conducive to such torture. As recommended by the workshop on gender integration into the human rights system, organized by the Office of the United Nations High Commissioner for Human Rights, the Division for the Advancement of Women of the United Nations Secretariat and the United Nations Development Fund for Women and held at Geneva from 26 to 28 May 1999, the Special Rapporteur would welcome receiving information on patterns of violations falling within his mandate analysed from a gender perspective.

6. The Special Rapporteur welcomes the adoption on 6 October 1999 by the General Assembly, in its resolution 54/4 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol, which was subsequently opened for signature and ratification on 10 December, had been signed by 24 States at the time of writing. It will enter into force three months after the tenth ratification or accession.

7. The Optional Protocol provides, inter alia, that either individuals or groups of individuals may submit individual complaints to the Committee on the Elimination of Discrimination against Women. Its criteria for receiving complaints and its functions are modelled on comparable existing procedures or practices of other international human rights instruments such as the Human Rights Committee and the Committee against Torture. The Committee on the Elimination of Discrimination against Women will consider complaints admissible if all available domestic remedies have been exhausted and if the complaint has not already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement. The Special Rapporteur also notes the possibility for the Committee to take interim measures. After receipt of a communication and prior to its final decision on the merits of the case, the Committee will have the option of sending urgent communications requesting States parties to take the necessary steps to protect the alleged victim or victims from irreparable harm. Similarly, the Special Rapporteur notes with appreciation the inclusion of article 11 which requires a State party to ensure that all individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee. He notes that a similar provision is contained in the Convention against Torture (see article 13).

8. The Special Rapporteur would like to recall that the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 19, entitled "Violence against women" (see A/47/38), enumerated the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment among those rights impaired or nullified by gender-based violence under international law and constituting discrimination within the meaning of the Convention. It stated that the definition in article 1 of the Convention[1] should be interpreted as encompassing gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While mechanisms established under other international human rights instruments are available to men and women alike, the Special Rapporteur welcomes the forthcoming opportunity given to women and advocates of women's rights to use the specific mechanism provided by the Optional Protocol.

9. Finally, the Special Rapporteur notes the adoption on 29 March 2000 by the Human Rights Committee of general comment No. 28 on equality of rights between men and women (article 3 of the International Covenant on Civil and Political Rights) (see A/55/40). In the general comment (para. 11), the Committee requests that, in order to be in a position to assess compliance with article 7 of the Covenant (prohibition of torture), as well as with article 24 (special protection for children), States parties provide it with

> "information on national laws and practice with regard to domestic and other types of violence against women, including rape. It also needs to know whether the State party gives access to safe abortion to women who have become pregnant as a result of rape. The States parties should also provide the Committee with information on measures to prevent forced abortion or forced sterilization. In States parties where the practice of genital mutilation exists information on its extent and on measures to eliminate it should be provided. The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated."

Similarly, the Special Rapporteur would welcome information on these issues from governmental and non-governmental sources.

B. Torture and children

10. The Special Rapporteur has continued to receive information regarding a significant number of instances where the victims of torture or cruel, inhuman or degrading treatment or punishment are children. The conditions of detention for children in pre-trial centres and prisons continue to be of concern to the Special Rapporteur. Severe overcrowding, unsanitary conditions and inadequate and/or insufficient food and clothing are often exacerbated by a shortage or absence of adequately trained professionals. The resulting lack of appropriate attention to the medical, emotional, educational, rehabilitative and recreational needs of detained children can result in conditions that amount to cruel or inhuman treatment. The Special Rapporteur

has also continued to receive information according to which children were allegedly at risk of deliberate acts of torture, including forms of sexual abuse.

11. The Special Rapporteur has received information according to which children have been subjected to cruel, inhuman or degrading treatment in non-penal institutions. Unlike most adults, children can be deprived of their liberty in a variety of legal settings other than those related to the criminal justice system and are thus reported to be particularly vulnerable to some forms of torture or ill-treatment in an institutional environment. Foster care systems and residential institutions caring for children who become wards of the State after being orphaned or removed from parental care for their own protection are in some cases alleged to permit inhuman forms of discipline or extreme forms of neglect. Particularly in the case of extremely young children, such abuses can amount to cruel and inhuman treatment. State workers in care institutions are sometimes poorly trained and supervised and are in many cases able, not necessarily with official approval but owing to insufficient monitoring, to subject children to physical, emotional or sexual abuse which would rarely be tolerated in juvenile justice institutions. Similar problems appear also to be experienced in some institutions caring for mentally ill children or children with other disabilities. Cases are also reported in which existing legislation allows children to be imprisoned on the grounds of mental illnesses and allegedly kept in chains while in prison.

12. Unlike detention within the justice system, which in most cases will take place for a predetermined period of time, children are sometimes held in such institutions and subjected to cruel and inhuman or degrading treatment without time limits or periodic reviews or judicial oversight of the placement decision. Such indeterminate confinement, particularly in institutions that severely restrict their freedom of movement, can in itself constitute cruel or inhuman treatment. Children in care leave such institutions on reaching the age of legal majority. Reports from some countries seem to indicate that these children are often unprepared for independent life as a result of the degrading treatment they have received and are thus particularly likely to come into contact with the criminal justice system at a later stage, perpetuating a cycle that can expose individuals to repeated victimization. Children with disabilities who suffer from cruel and inhuman treatment in institutions can be subjected to such treatment throughout their lives because they continue to be institutionalized as a result of their disabilities. Some of these children may be particularly vulnerable to continuing forms of degrading treatment as they are unable to articulate their experiences and complaints as a result of their disability or isolation.

13. The Special Rapporteur notes the reported lack of appropriate monitoring and complaints mechanisms for institutions dealing with children. It is alleged that in some cases, this may be exacerbated by the denial of counsel, even to older children, because of their status as minors; it is further alleged that some children are represented only by their parents or legal guardians who may not always act in the best interests of the child. The lack of appropriate surveillance of institutions to deter and to provide remedies for instances of maltreatment is reported to be a common problem in all types of institutions where children are held.

14. Children being cared for in institutions can also be particularly vulnerable to torture and ill-treatment, not only because of their young age, but also because of the over-representation of children from particularly vulnerable groups among those institutionalized. Former street children, refugee and internally displaced children, unaccompanied child asylum-seekers, children considered as illegal migrants, children from minority groups and children who have previously suffered abuse from public officials or within the family are more likely to be cared for in institutions. As members of marginalized groups, they are less likely to be able to make formal complaints of cruel and inhuman or degrading treatment. Discriminatory attitudes towards some vulnerable groups can mean that they are perceived as being less credible in their allegations or not fully entitled to an equal standard of protection.

15. The Special Rapporteur is particularly concerned at the information received indicating that children have been subjected to extreme forms of torture as a result of armed conflict situations. Furthermore, the Special Rapporteur notes that the failure of some States to protect them has been of serious concern to the Committee on the Rights of the Child. Violations reported during armed conflict include severe forms of torture and other forms of ill-treatment inflicted on child civilians and children recruited into armed forces,

allegedly by State as well as by non-governmental forces. The Special Rapporteur recalls that all parties to armed conflicts, be they of an international character or not, are bound by humanitarian law principles which prohibit torture and other forms of cruel treatment, including mutilation. In one country, the latter reportedly included such brutal forms of torture as the amputation of limbs. Amnesties negotiated in the aftermath of armed conflict are argued to have granted impunity to State, paramilitary or non-governmental forces that in some cases have committed extreme forms of torture on children. In addition, the Special Rapporteur notes that the forcible recruitment of children into armed forces is of great concern to the Committee on the Rights of the Child. Children are said to have been forcibly recruited at a sometimes very young age, in violation of international human rights standards, and forced to carry out traumatic attacks on their own families and communities. In this respect, the Special Rapporteur encourages States to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the General Assembly in its resolution 54/263 of 25 May 2000, and to support the work of the Special Representative of the Secretary-General on Children and Armed Conflict.

C. Torture and human rights defenders

16. Over the years, the Special Rapporteur has received information regarding a significant number of cases where the victims of torture and cruel, inhuman or degrading treatment or punishment are human rights defenders. While there is no evidence to suggest that human rights defenders are generally subjected to particular forms of torture or ill-treatment applied uniquely to them owing to their status as human rights defenders, there remains nonetheless a clear and compelling need to make a separate comment on the issue. This need derives from the consideration that human rights defenders are on the front line for the defence of human rights and play a key role in the denunciation of human rights violations. The Special Rapporteur would like to stress that, like other United Nations human rights mechanisms, he relies largely on their work and information to discharge his mandate.

17. Aside from the traditional forms of repression of human rights, such as extrajudicial, summary or arbitrary executions, arbitrary detention and torture, a large number of communications received by the Special Rapporteur concern systematic harassment of human rights defenders, their relatives or persons associated with them, aimed at preventing them from undertaking human rights activities. Threats to their physical integrity, including death threats, legal restrictions related to the existence of the organizations to which they belong or on their activities, social disqualification through propaganda, misinformation and intimidation, judicial persecution through fabricated criminal charges, denial of access to means of livelihood and of social services, constant surveillance, denial of identity documents or absence of due protection by public authorities from threats originating from non-State actors are among the most commonly reported ways of preventing human rights defenders from carrying out their activities.

18. While the Special Rapporteur intervened on several occasions on behalf of human rights defenders who were said to be at risk of torture or other forms of ill-treatment or who had allegedly been subjected to torture, he also intervened on behalf of human rights defenders who were not directly at any risk of torture, but who were prevented by various means not falling within his mandate from providing legal and/or humanitarian assistance to torture victims. In the former case, he mainly intervened in conjunction with the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers.

19. The Convention against Torture refers to the duty of States parties to ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain ... and that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given (article 13). The Special Rapporteur believes that this right would be seriously impaired if human rights defenders are prevented from advocating on behalf of torture victims. In that context, the Special Rapporteur sent urgent appeals on behalf of lawyers representing torture victims who were said to have been threatened or harassed in connection with pending legal proceedings regarding alleged cases of torture.

20. The Special Rapporteur would also like to remind Governments that in its resolution 2000/22 on cooperation with representatives of United Nations human rights bodies, the Commission urged them to refrain from all acts of intimidation or reprisal against

(a) those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; (b) those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose (para. 1). In that resolution the Commission also requested all representatives of United Nations human rights bodies to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way and the occurrence of such intimidation and reprisals (paras. 2 and 3). In the framework of the resolution, an urgent appeal was sent on behalf of human rights defenders who were believed to be seriously harassed in retaliation for their cooperation with the Special Rapporteur during a fact-finding mission.

21. The Special Rapporteur would also like to draw the attention of the General Assembly to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which it adopted by its resolution 53/144 of 8 March 1999. The Declaration states that everyone has the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms (article 9, para. 3 (c)). It also stipulates that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliations, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration (article 12, para. 2).

22. Furthermore, the Special Rapporteur would like to draw the attention of the General Assembly to the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, also known as the Istanbul Protocol. The Principles were annexed to his previous report to the General Assembly (A/54/426); the attention of Governments was also drawn to the Principles by the Commission and were annexed to resolution 2000/43 adopted at its last session. The Principles state that alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any form of intimidation that may arise pursuant to the investigation (para. 3 (b)).

23. Finally, the Special Rapporteur welcomes the creation of a special mechanism to deal exclusively with the question of human rights defenders. As rightly stated during the 1999 meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, while all existing mechanisms are committed to cooperating among themselves on this issue, it is understood that the nature of the problem was not one that could be covered satisfactorily by them alone in the discharge of their specific mandates (see E/CN.4/2000/5, para. 87 (p)). The Special Rapporteur is confident that in a spirit of cooperation and in order to avoid duplication of work, ways will be found, in particular within the Secretariat, to coordinate actions with the Special Representative of the Secretary-General on human rights defenders.

D. Reparation for victims of torture

24. Some international and regional human rights instruments impose a duty on States to provide access to justice as well as adequate and fair reparation for victims of human rights violations. With respect to violations falling within the Special Rapporteur's mandate, he is guided by article 14 of the Convention against Torture which provides that each State party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.[2]

25. The annex to the final report (E/CN.4/2000/62) of the independent expert of the Commission on Human Rights on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, Cherif Bassiouni, contains the text of the basic principles and guidelines on the right to a remedy and reparation for victims of violations of international law and humanitarian law, which are said to reflect either existing international law or emerging norms on that matter.

26. According to the basic principles and guidelines, the victim's right to a remedy encompasses (a) access to justice; (b) reparation for the harm suffered; and (c) access to factual information concerning the violations (para. 11). Regarding the right to reparation, it is stated that adequate, effective and prompt reparation proportional to the gravity of the violation and the harm suffered (para. 15) should include the following forms: restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition (para. 21). The content of these forms of reparation is developed in paragraphs 22 to 25. With respect to his mandate, the Special Rapporteur notes in particular the recommendation that compensation should be provided for any economically assessable damage resulting from violations of international human rights and humanitarian law, such as (a) physical or mental harm, including pain, suffering and emotional distress ...; and (e) costs required for legal or expert assistance, medicines and medical services, and psychological and social services (para. 23). Furthermore, rehabilitation should include medical and psychological care as well as legal and social services (para. 24).

27. The Special Rapporteur shares the views of the independent expert that the State should ensure that its domestic laws, as much as possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation (para. 10). The Special Rapporteur notes that this recommendation is particularly relevant for the kinds of violations that fall within his mandate. For example, the Special Rapporteur has received information regarding the so-called "virginity test" which has been complained of as being traumatic. The Special Rapporteur received information according to which women, even minors, were subjected to these tests after having complained of rape. It was alleged that not only the way the tests were carried out, but also the very fact that they were subjected to that kind of "testing" was a traumatic and humiliating experience which, moreover, is reported to entail stigmatization in the particular sociocultural context in which these women were living.

28. The Special Rapporteur would like to emphasize the inherent relationship between the right of torture victims to obtain reparation and the prevention or non-repetition of further violations. This link has been established, inter alia, in the revised final report of Louis Joinet on the question of the impunity of perpetrators of human rights violations (civil and political) (E/CN.4/Sub.2/1997/20/Rev.1) and the study of Theo van Boven concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8). The Special Rapporteur believes that reparation, beyond the purpose of relieving the suffering of and affording justice to victims by removing or redressing to the extent possible the consequences of the wrongful acts, has an inherent preventive and deterrent aspect.

29. In his joint statement for the United Nations International Day in Support of Victims of Torture with the Committee against Torture, the Board of Trustees of the Voluntary Fund for Victims of Torture and the United Nations High Commissioner for Human Rights, the Special Rapporteur urged all States to provide for fair and adequate reparation, including compensation and rehabilitation of the victims of torture, in their domestic law. On that occasion, the increasing need for legal assistance to obtain reparation, compensation and rehabilitation services for torture victims was also stressed.

30. It must be noted that in order to be in possession of all relevant information, the Special Rapporteur requests in his standard letter of transmittal of allegations to Governments information on the nature and amount of any compensation made to the victim or his/her relatives. It must nevertheless be stressed that details regarding reparation has rarely been received by the Special Rapporteur.

31. The prevalence of impunity is incompatible with full reparation to the victims of torture. Furthermore, the Special Rapporteur would like to reiterate his conviction, stated on several occasions, that the continuation of the practice of torture is caused, in part, by impunity, that is the implementation of de jure and de facto obstacles to the prosecution of perpetrators of torture (see E/CN.4/1999/61, annex). In particular, the Special Rapporteur has noted with concern the use of measures by States to limit legal liability such as the adoption of acts of indemnities or the granting of amnesties.

32. In addition, the Special Rapporteur would like to recall the obligation of States parties to the Convention

against Torture to apply universal jurisdiction in respect of alleged perpetrators of torture (articles 5 and 7) and to make torture a crime under domestic law (article 4). He further recalls the latest resolution adopted by the Commission on Human Rights on the question of torture (resolution 2000/43), in which the Commission stressed the general responsibility of all States to investigate allegations of torture and to ensure that those who encourage, order, tolerate or perpetuate such acts are held responsible. Case law under the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the American Convention on Human Rights indicates that a failure to prosecute, or at least a failure to investigate in a manner which potentially leads to prosecution, is incompatible with the responsibilities of States under these conventions. He similarly recalls the adoption on 17 July 1998 of the Rome Statute of the International Criminal Court, the preamble of which expressly states that the establishment of the Court is fuelled by the determination to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes. It stresses that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation. It further provides that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. In the light of the above, it is the view of the Special Rapporteur that States may now exercise universal jurisdiction over the alleged perpetrators of torture.

33. In that context, the Special Rapporteur welcomes the decision of the House of Lords, the highest court in the United Kingdom, which concluded in March 1999 that Augusto Pinochet Ugarte, former head of State of Chile, was not immune from being extradited to Spain to stand trial on charges of human rights abuses, including torture. The House of Lords determined by reference to the Convention against Torture that immunity was inconsistent with the wording of the Convention. Similarly, the Special Rapporteur is pleased to note the decision by the Chilean Supreme Court to strip General Pinochet of his immunity, clearing the way for his future trial in connection with a notorious military death squad believed to be responsible for the deaths of 72 political prisoners. The Special Rapporteur recently expressed his concern, with the Special Rapporteur on the independence of judges and lawyers, to the Government of Senegal over the circumstances surrounding the recent dismissal of charges of being an accomplice to torture against the former President of Chad, Hissène Habré.

E. Torture and poverty

34. As he stated during his oral presentation to the Commission on Human Rights at its fifty-sixth session, the Special Rapporteur believes that the question of poverty is all too relevant to issues falling within his mandate.

35. It is true that many of the more high-profile cases of torture that come to international attention concern people involved in political activities of various sorts. Such victims of torture may well be of a class or connected with organizations that have international contacts. The experience of missions in several parts of the world has led the Special Rapporteur to observe, however, that the overwhelming majority of those subjected to torture and ill-treatment are ordinary common criminals from the lowest strata of society. They are the ones who cannot afford good lawyers, or who may have access only to less-than-diligent lawyers provided, in some instances, by the State, or who may not have access to any lawyer at all; whose families do not have the connections to be taken seriously by the police, prosecutors or judges, or even the means of securing life-saving health care that may be obtained outside the place of detention, or of providing food fit to eat when the detaining authorities and institutions fail to make these available; and who do not have any idea of what their rights are, even the right not to be tortured, or how those rights may be secured. Indeed, they are often members of the lowest level of an underclass that is disconnected from all opportunity of leading decent lives as productive economic citizens. It must be noted that increasingly, information from non-governmental sources is received in respect of torture or ill-treatment of persons believed to be involved in ordinary criminal activity. To what extent this trend may be a reflection of a greater awareness of a more long-standing problem is speculative.

36. The Special Rapporteur noted during one of his missions that the prison personnel in that country were underpaid, undertrained, and housed in conditions calculated to erode any sympathy they might have for their charges. Similar observations can be made

regarding pay and conditions of work for law enforcement officials in other countries. In that context, it must be noted that a significant number of cases received by the Special Rapporteur concern beatings and other forms of ill-treatment, especially in police custody, allegedly aimed at extorting bribes, mainly from common criminal suspects. During fact-finding missions, the lack of financial resources was often presented by officials as an explanation, if not a justification, for failing to provide food or adequate and prompt medical care to detainees. Detainees in need of urgent medical attention have thus been left unattended reportedly due to a lack of medicines or of means of transportation to a proper medical institution. Finally, the Special Rapporteur notes with concern that law enforcement officials from lower ranks often acknowledged that because of a lack of means to carry out proper investigations into cases brought to them, violence was resorted to as the "easiest" and "simplest" way to achieve "results". This, coupled with a lack of proper training, is among the main root causes of torture, especially in relation to common criminal suspects.

37. The Special Rapporteur has neither the competence nor the expertise to offer solutions to change these bleak realities. He believes, however, that as long as national societies and, indeed, the international community fail to address the problems of the poor, the marginalized and the vulnerable, they are indirectly and, as far as exposure to the risk of torture is concerned, directly contributing to the vicious circle of brutalization that is a blot on and a threat to our aspirations for a life of dignity and respect for all.

Notes

[1] "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

[2] Similarly, article 11 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975, provides that "[w]here it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law".

United Nations A/55/291

General Assembly

Distr.: General
11 August 2000

Original: English

Fifty-fifth session
Item 116 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Situation of human rights in Cambodia

Report of the Secretary-General**

Contents

		Paragraphs	Page
I.	Introduction	1–6	2
II.	Developments in the process to investigate and prosecute the most serious crimes in Cambodia during the period of Democratic Kampuchea	7–8	3
III.	Recommendations of the Special Representative of the Secretary-General for human rights in Cambodia	9–13	3
IV.	Role of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights	14–41	4
	A. Memorandum of understanding	14	4
	B. Implementation of the technical cooperation programme and activities of OHCHR/Cambodia	15–36	4
	C. Cambodia and the United Nations Development Assistance Framework	37	8
	D. OHCHR/Cambodia staff, and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia	38–41	8

* A/55/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 11 August 2000 so as to include as much information as possible.

00-60502 (E) 130900

I. Introduction

1. The Office of the United Nations High Commissioner for Human Rights in Cambodia (OHCHR/Cambodia) was established pursuant to resolution 1993/6 of the Commission on Human Rights which entrusted the Office to carry out the following activities:

(a) Manage the implementation of education and technical assistance and advisory services programmes and ensure their continuation;

(b) Assist the Government of Cambodia, established after the election, at its request, in meeting its obligations under human rights instruments to which it had recently adhered, including the preparation of reports to the relevant treaty monitoring bodies;

(c) Provide support to *bona fide* human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice;

(g) Assist the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his/her functions. In subsequent resolutions, the Commission on Human Rights and the General Assembly requested the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

2. The present report has been prepared pursuant to General Assembly resolution 54/171 of 17 December 1999.

3. In that resolution, the General Assembly noted some progress made with regard to legal developments, plans and measures undertaken by the Government to address certain violations of human rights and commended the valuable role played by non-governmental organizations in Cambodia in that regard. Concern was raised about numerous instances of violations of human rights and the situation of impunity. The situation included continuing problems related to the rule of law and functioning of the judiciary, interference by the executive with the independence of the judiciary, and persistent extrajudicial executions, torture, illegal arrests and detention, child prostitution and trafficking, violation of labour rights, prison conditions not in accordance with the international minimum standards, acts of violence against ethnic minorities, people being affected by the illegal confiscation of land and forced relocation, including that of indigenous peoples, and the need to ensure the security of persons and rights of association, assembly and expression as a critical priority.

4. The General Assembly appealed to the Government of Cambodia to ensure that those responsible for the most serious violations of human rights during the Khmer Rouge time be brought to justice, in accordance with international standards of justice, fairness and due process of law. It also urged the Government to continue to cooperate with the United Nations with a view to reaching an agreement, and appealed to the international community to continue to assist those efforts.

5. The resolution also noted the importance of the need for the upcoming communal elections to be conducted in a free and fair manner and urged the Government of Cambodia to prepare for them accordingly. All these issues were again raised with concern by the former Special Representative in his report to the Commission on Human Rights (E/CN.4/2000/108) and were reflected in resolution 2000/79, adopted on 20 April 2000 by the Commission on Human Rights.

6. The present report contains information on the recommendations of the Special Representative and on the role and achievements of OHCHR from September 1999 to July 2000 in assisting the Government and people of Cambodia to strengthen democracy and establish the rule of law and respect for human rights. Information on certain coordinated efforts of the United Nations system in Cambodia and on the OHCHR staffing status and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia is also provided. Additional information on the recommendations of the Special Representative and the work of OHCHR in

Cambodia is available in the annual reports submitted to the General Assembly (A/49/635/Add.1, A/50/681/Add.1, A/51/552, A/52/489, A/53/400, A/54/353) and to the Commission on Human Rights (E/CN.4/1994/73, E/CN.4/1995/87, E/CN.4/1996/92, E/CN.4/1997/84, E/CN.4/1998/94, E/CN.4/1999/100, E/CN.4/2000/109).

II. Developments in the process to investigate and prosecute the most serious crimes in Cambodia during the period of Democratic Kampuchea

7. Developments in and concerns about the process to investigate and prosecute the most serious crimes in Cambodia during the period of Democratic Kampuchea were discussed during the past session of the Commission on Human Rights. Those concerns are reflected in resolution 2000/79.

8. During the period from January to July 2000, the Under-Secretary-General for Legal Affairs, Hans Corell, visited the country twice, from 16 to 22 March and from 4 to 7 July 2000. During his missions, the Legal Counsel held discussions with the Cambodian Task Force on the draft articles of cooperation between the United Nations and the Government of Cambodia in the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea, and, in particular, the personal scope of jurisdiction of the Court, the composition of the Chambers and their decision-making process, a settlement of dispute formula to settle disagreements between the co-prosecutors, the mutual obligations, notably financial, of the Parties, the Trust Fund as the financial mechanism to defray the costs of international personnel, and the premises of the Court. The United Nations delegation suggested amendments to the draft law on the establishment of extraordinary chambers in the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, in order to ensure its conformity with the articles of cooperation. The draft law is now pending before the Judicial Committee of the National Assembly. So far, however, no date has been scheduled for the debate of the draft law in the National Assembly.

III. Recommendations of the Special Representative of the Secretary-General for human rights in Cambodia

9. The Secretary-General appointed Thomas Hammarberg as his Special Representative for human rights in Cambodia in May 1996, following the resignation of Michael Kirby who served as Special Representative from 23 November 1993 until April 1996. At his own request, Mr. Hammarberg concluded his mandate on 31 December 1999. During their respective mandates, Mr. Kirby undertook seven official missions to Cambodia and Mr. Hammarberg, 16. Both reported successively to the General Assembly and the Commission on Human Rights. Activities carried out by Mr. Hammarberg within the reporting period from September to December 1999 are reflected in his report to the Commission on Human Rights (E/CN.4/2000/109). The appointment of a new Special Representative of the Secretary-General for human rights in Cambodia is under consideration.

10. Both former Special Representatives, in previous reports to the General Assembly and the Commission on Human Rights, made a series of observations and recommendations on how the human rights situation in Cambodia might be improved and reported on the implementation of their recommendations by the Government on an annual basis to the Commission on Human Rights. OHCHR/Cambodia continues to follow up on the implementation of these recommendations by the authorities, as well as the efforts of the Government of Cambodia to investigate specific cases of serious human rights violations brought to its attention. Developments in this regard will be reported to the Commission on Human Rights for its consideration at its fifty-seventh session. Major suggestions have also been reflected in resolutions on Cambodia adopted by the General Assembly and the Commission on Human Rights.

11. OHCHR/Cambodia reports that during 2000, an increase in allegations of violations of labour rights, housing rights, curtailing of freedom of the press, expression and association, intolerance towards ethnic minorities and migrant workers, police violence during public demonstrations, trafficking of persons and cases of sexual exploitation of children and women have come to its attention. Allegations of illegal arrest and detention, excessive pre-trial detention, torture during

arrest, prison conditions not in accordance with international standards, intimidation of human rights defenders, lack of independence of the judiciary, interference of the executive in the judiciary and some cases of political violence and intimidation were also reported. OHCHR continued documenting and analysing patterns of human rights violations, in particular with regard to mob killings, torture, police violence, military abuse and the aforementioned cases of political violence and intimidation. Information with regard to new cases of torture and cases previously brought to the attention of the Government of Cambodia in a memorandum presented by the Special Representative in 1997 was also updated.

12. OHCHR/Cambodia continued to follow the legal situation of persons in custody and prison conditions in general by conducting at least 20-22 monthly visits to various national and provincial prisons. Monthly meetings were held with relevant prison and judicial authorities to address legal and other major concerns regarding prison conditions, including health issues. OHCHR formed a working group with the Bar Association and certain legal defence and human rights non-governmental organizations to address cases of excessive pre-trial detention. Strengthening of the coordination role of the prison health department with the Ministry of Health, provincial authorities and non-governmental organizations working in this area should be encouraged. The situation of children in custody remains a matter of serious concern.

13. Pending the appointment of a Special Representative of the Secretary-General, OHCHR/Cambodia has submitted for action a number of cases of allegations of human rights violations to the attention of various thematic mechanisms such as the Special Rapporteur on torture, the Special Rapporteur on extra-judicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on toxic waste, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on freedom of opinion and expression. As part of the programme of assistance to non-governmental organizations the OHCHR/Cambodia also plans to train key human rights non-governmental organizations on the mandate and working methods of these special procedure mechanisms.

IV. Role of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights

A. Memorandum of understanding

14. The previous memorandum of understanding between the Government of Cambodia and the OHCHR/Cambodia expired on 28 February 2000. As the General Assembly and the Commission on Human Rights were previously informed, the Government had verbally agreed to the extension of the memorandum until March 2002 in order to enable the Office to continue its operations and to maintain its technical cooperation programmes. However, at the time of writing of this report, negotiations on the text of the memorandum were still under way.

B. Implementation of the technical cooperation programme and activities of OHCHR/Cambodia

1. Assistance for the drafting and implementation of legislation to promote and protect human rights

15. OHCHR/Cambodia provides assistance to the legislative and other relevant bodies and actors in the law-making process by ensuring their compatibility with international human rights standards, training of those engaged in drafting laws, facilitating the involvement of civil society in the process, and providing advice and information on legal matters to members of the Senate and the National Assembly. In order to make the relevant legal materials available to the concerned sectors and institutions, OHCHR/Cambodia has completed the compilation of laws and made arrangements for its publication.

16. OHCHR/Cambodia is currently providing technical assistance in developing the legal system by facilitating the participation of civil society in the law-making process and by providing expert comments on draft laws, including the drafts on criminal law, criminal procedure law, commune administrative management law, commune election law, anti-

corruption law, statute on judges, statute on court clerks, land law, law on non-governmental organizations and associations, regulations relating to the Supreme Council of Magistracy, law on the organization of the judiciary, prison regulations, weapons law, law on adoption and the Extradition Treaty between Cambodia and China.

17. OHCHR/Cambodia held meetings and consultations with the President of the National Assembly, the Deputy First President of the Senate and with Chairpersons of various Senate and National Assembly commissions in order to facilitate coordination in the legislative process. A series of workshops on law-drafting and legislative policy formulation for legislators, policy makers, governmental officials, lawyers, non-governmental organization leaders, and others directly involved in this work is being organized. Discussions with the concerned agencies to constitute a representative committee to facilitate the process and to create a permanent body for coordinating the law-drafting activities are continuing.

18. Assistance to strengthen the judicial system for the adequate administration of justice forms part of the programme of assistance of OHCHR/Cambodia to the Ministry of Justice, Constitutional Council, Supreme Council of Magistracy and courts at all levels. Capacity-building programmes for judges, prosecutors, other court officials and lawyers in the understanding and application of human rights standards in the delivery of justice, including strengthening of legal education, were also facilitated by judicial mentors during the first semester of the year. OHCHR/Cambodia is currently implementing a training programme for public prosecutors on how to conduct regular reviews and to assist the public prosecution department in its functions. Quarterly review meetings of public prosecutors have contributed significantly to strengthening the administration of justice by bridging gaps between judicial and other law enforcement agencies. Formal and on-the-job training and assistance to judges, prosecutors and court clerks is also provided through the Judicial Mentor Programme in the following six courts in different parts of the country: Phnom Penh Municipal Court, Takeo Provincial Court, Kompong Cham Provincial Court, Kompong Chhnang Provincial Court, Svay Rieng Provincial Court, and Battambang Provincial Court. In addition to the provision of support to civil society through capacity-building at the provincial level, judicial mentors also provide material support to the courts.

2. Creation and strengthening of national institutions for the promotion and protection of human rights

19. The establishment and strengthening of national institutions for the promotion and protection of human rights has been a priority of the Office since 1993. OHCHR/Cambodia provides advice and assistance and maintains a close dialogue with several national institutions and agencies with mandates relevant to human rights. Cooperation and dialogue extend to the monitoring and investigation of alleged violations, preparation of governmental reports on the human rights situation, formulation of laws and policies affecting human rights, and the implementation of educational activities.

20. The main institutions with which OHCHR/Cambodia works include the following: Human Rights and the Reception of Complaints Commissions and the Legislative Commissions of both the Senate and the National Assembly, the Constitutional Council, the Supreme Council of Magistracy, the Office of the Prosecutor General, the Courts, the Inter-Ministerial Committee on Reporting Obligations to the United Nations, the governmental Cambodian Human Rights Committee, the Land Dispute Settlements Commission, the police, the Royal Cambodian Armed Forces, the Prison Department, the Ministry of Justice, the Ministry of Women and Veteran's Affairs, and non-governmental human rights organizations.

21. Recently, during the participation of a senior adviser from OHCHR in a regional workshop held in Phnom Penh in July 2000, consultations for the drafting of legislation with regard to the establishment of an independent national institution for the promotion and protection of human rights in accordance with international standards were held with the executive and the legislative authorities as well as with main human rights non-governmental organizations. OHCHR/Cambodia will continue to cooperate with the Government of Cambodia by facilitating the debate required for the establishment, in accordance with international standards, of an independent and effective institution.

3. Training provided to government officials in the administration of justice and other issues

22. Enhancing the capacity of governmental institutions in the understanding and application of human rights standards, in particular in the administration of justice, continues to be a priority for OHCHR/Cambodia, which is currently implementing and supporting human rights education and training programmes with the Royal Cambodian Armed Forces, the Cambodian National Police, and the Royal Gendarmerie. Through a training-of-trainers approach, a core group of some 40 human rights instructors has been established in each security force. Extensive training has been conducted throughout the country, based on curricula developed by OHCHR/Cambodia, and a series of training courses is currently being carried out throughout the Cambodian provinces and municipalities, based on annual schedules issued by the Ministries of Defence and of the Interior up to the end of 2000. Rather than directly delivering training, OHCHR/Cambodia is generally supporting and following the courses conducted by the instructors. Approximately 1,800 Royal Cambodian Air Force instructors, 900 police trainers and 150 *Gendarmerie* personnel were trained over the period January to June 2000. In addition, OHCHR/Cambodia conducted a train-the-trainers course for police instructors and a training course for high-ranking officials of the Ministry of Defence, in cooperation with the International Committee of the Red Cross. The substantive and methodological capacity of the instructors is currently being assessed with a view to developing programmes to further strengthen their ability to provide training.

23. In the area of the administration of justice, OHCHR/Cambodia is also participating in an inter-agency project to build the capacity of the Cambodian National Police to address cases of sexual exploitation of children. Other partners in the project, entitled "Law enforcement against sexual exploitation of children", include the United Nations Children's Fund, the International Organization for Migration (IOM), Rädda Barne, World Vision and the Ministry of the Interior. Draft guidelines on the police investigation of offences involving the sexual exploitation of children and training materials on this issue have been developed.

24. In cooperation with the Ministry of Labour Inspection Department, a three-month programme of training on labour rights was completed. Fifteen governmental labour inspectors trained by OHCHR/Cambodia conducted training for managers, trade union representatives and workers in 24 factories in Phnom Penh. A total of 572 participants attended the training.

25. In cooperation with the Ministry of Environment, three one-day workshops were conducted in June 2000 in the province of Kampot. Participants included forest/park rangers of the Ministry of Environment, personnel of the National Police, Royal Gendarmerie and Royal Cambodian Armed Forces and district and commune officials. OHCHR/Cambodia is discussing with the Ministry of Environment the possibility of conducting similar workshops in other provinces.

26. OHCHR/Cambodia is also organizing several activities for use in human rights training and education for police and military officials, and on the trafficking of persons.

27. The OHCHR/Cambodia provincial office carried out training activities for local authorities, students and community representatives based on various OHCHR curricula, including on the trafficking of persons, human rights and democracy, and human rights and minorities.

4. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies

28. Cambodia is party to the six main international human rights instruments and has submitted initial reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. Most recently, in May 2000, the Committee on the Rights of the Child considered the initial report of Cambodia (CRC/C/11/Add.16) and adopted concluding observations (CRC/C/15/Add.128).

29. OHCHR/Cambodia continues to assist the Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations in the preparation of reports to be submitted under international human rights instruments obligations. During the reporting period, support to the Committee was provided in finalizing the draft report on the implementation of the Convention against Torture which is currently in its final stages of review by the Government. OHCHR/Cambodia is currently supporting the

Committee and the Ministry of Women and Veteran's Affairs in drafting the report for the Committee on the Elimination of All Forms of Discrimination against Women.

30. In June 2000, OHCHR/Cambodia, in collaboration with the Centre for Democratic Institutions of the Australian National University, organized a workshop to review the process of preparation of reports under international human rights instruments. One member of the Human Rights Committee was invited to participate as a resource person, together with two other international experts with experience in drafting reports, Cambodian officials responsible for the preparation of the reports, members of the Cambodian delegation to the Committee on the Rights of the Child, members of Cambodian non-governmental organizations who prepared parallel reports under the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, and OHCHR/Cambodia staff. The workshop was attended by about 50 persons, including members of the Inter-Ministerial Committee on the Preparation of Reports to the United Nations, other Ministry officials, the Cambodian Human Rights Committee, members of the Senate Human Rights Commission, and non-governmental organizations. The workshop provided a forum for an exchange of experience between international experts and Cambodian institutions and organizations on methodology and best practices for the preparation of reports to United Nations treaty bodies. Recommendations for strengthening the process of drafting reports by Cambodia were formulated by the participants.

31. In April 2000, while in Cambodia at the invitation of several non-governmental organizations and with the support of OHCHR/Cambodia, the Chairperson of the Committee on Economic, Social and Cultural rights also met with the Inter-Ministerial Committee.

32. OHCHR/Cambodia is currently working with the Cambodian authorities in assessing the progress made in the implementation of the recommendations of treaty bodies. Support to the Government in establishing mechanisms to follow up on such recommendations and the involvement of non-governmental organizations in the process are being discussed.

5. Support to non-governmental human rights groups in Cambodia

33. OHCHR/Cambodia emphasizes the enhancement of the capacity of Cambodian non-governmental organizations and other civil society organizations to carry out activities in promoting and protecting human rights. In this respect, OHCHR/ Cambodia provides training and other forms of technical assistance and financial assistance. Non-governmental organizations are the main partners in the implementation of the overall programme of OHCHR/ Cambodia in particular in its work on monitoring, investigation and protection and in the law-making process and education, training, information and advocacy.

34. In the period under consideration, OHCHR/ Cambodia assisted the Human Rights Video Production Committee of Cambodia, consisting of 10 non-governmental organizations in editing seven videos on human rights, which are being broadcast on Cambodian cable television. In January 2000, OHCHR/Cambodia organized a workshop on access to justice for NGOs, which contributed to identifying and developing strategies in this area.

35. OHCHR/Cambodia regularly participates in meetings of the Cambodian Human Rights Action Committee, an umbrella organization made up of 16 Cambodian human rights groups, and in planning and review meetings by individual non-governmental organizations. Two training-of-trainer's programmes on the subjects of human rights and democracy and HIV/AIDS were conducted for two Cambodian non-governmental organizations. In addition, OHCHR/ Cambodia provided training on investigation techniques to provincial members of one national non-governmental organization.

36. During the reporting period, 12 grants were issued to Cambodian non-governmental organizations for the implementation of human rights projects. Projects funded included the production of Khmer theatre pieces on human rights, a prisoners' literacy programme, human rights education for police and prison officials on the human rights of women, assistance to victims of violations, anti-HIV/AIDS discrimination training for medical workers, strengthening of the human rights information management capacity of local non-governmental organizations, and protection of and education for ethnic minorities. The grants were funded under the

United Nations Trust Fund for a Human Rights Education Programme in Cambodia. OHCHR/Cambodia is monitoring the implementation of these projects through, inter alia, field visits.

C. Cambodia and the United Nations Development Assistance Framework

37. OHCHR is responsible for the system-wide coordination of all matters related to human rights, democracy and the rule of law. As part of the United Nations team in the country, OHCHR/Cambodia participated in the elaboration of the United Nations Development Assistance Framework (UNDAF) for the period 2001-2005, which identified human rights as one of four crosscutting issues in all areas of concentration. UNDAF was prepared based on the findings of the common country assessment for Cambodia and on the mandates, experience and comparative advantages of each of the United Nations system organizations working in the country.

D. OHCHR/Cambodia staff, and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia

38. OHCHR/Cambodia is composed of one main office located in Phnom Penh, eight provincial offices and six judicial mentors offices. OHCHR/Cambodia team includes 31 national staff and 19 international professional staff (including one junior professional officer funded by the Government of Sweden, seven professional project staff and three United Nations volunteers). The Office is comprised of the Directors' Office, with one director/international professional, one deputy director/international professional, the Legal Assistance Unit, the Education, Training and Information Unit, the Monitoring and Protection Unit and the Administration Unit. In 2000, the Director of OHCHR/Cambodia also performs functions as the special representative of the United Nations High Commissioner for Human Rights on trafficking issues for the Asia/Pacific region, and the chief of the Monitoring and Protection Unit performs functions as the assistant to the special representative of the Secretary-General for human rights in Cambodia.

39. The provincial office network is located in the following eight provinces: Battambang, Banteay Meanchey, Kampot, Kompong Cham, Malai, Pailin, Prey Veng and Siem Reap. The network is currently comprised of three international advisers (three United Nations volunteer positions), six national officers and eight national assistants. The judicial mentors, located in six courts (Kompong Cham Provincial Court, Kompong Chhnang Provincial Court, Phnom Penh Municipal Court, Svay Rieng Provincial Court and Takeo Provincial Court) includes six international professionals, recruited as consultants, and six national assistants.

40. OHCHR/Cambodia operational expenses, including the salaries of seven staff members are charged against the United Nations regular budget. Technical cooperation activities and other substantive activities and the salaries of some 50 staff members are financed by the United Nations Trust Fund for a Human Rights Education Programme in Cambodia, which depends solely on voluntary contributions.

41. At the time of the writing of the present report, the financial situation of OHCHR/Cambodia does not allow for the activities and the functioning of the Office to continue through the end of the year 2000. In order to fulfil the provisions of resolutions adopted by the General Assembly and the Commission on Human Rights, and the tasks entrusted to it, OHCHR/Cambodia needs urgently to receive new contributions.

United Nations A/55/292

General Assembly

Distr.: General
11 August 2000

Original: English

Fifty-fifth session
Item 116 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights defenders

Report of the Secretary-General**

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/170 of 17 December 1999, in which the Assembly called upon Governments, specialized agencies and relevant intergovernmental and non-governmental organizations to submit, at the request of the Secretary-General, on the basis of Commission on Human Rights resolution 1999/66 of 28 April 1999,[1] proposals and ideas that should contribute substantially to further work on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.[2] The Assembly also called upon the Commission on Human Rights to consider at its fifty-sixth session the report to be prepared by the Secretary-General pursuant to Commission resolution 1999/66, and requested the Secretary-General to report to the Assembly at its fifty-fifth session on measures to implement the Declaration.

2. In his report to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/95), the Secretary-General summarized the views of the Governments, specialized agencies and intergovernmental organizations on the implementation of the Declaration and presented possible ways for its implementation. These included (a) the widespread dissemination of the Declaration in order to popularize it; (b) the incorporation of monitoring its implementation into existing United Nations mandates; (c) the establishment of a new United Nations mandate to monitor its implementation; (d) the active promotion of the Declaration by the Secretary-General, the United Nations High Commissioner for Human Rights and the United Nations human rights mechanisms; and (e) the effective promotion and implementation of the Declaration by all Member States.

3. By resolution 2000/61 of 26 April 2000,[3] the Commission, inter alia, requested the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration. That request was endorsed by the Economic and Social Council in its decision 2000/220 of 16 June 2000.

* A/55/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 11 August 2000 so as to include as much updated information as possible.

00-60538 (E) 260900

II. Role and risks of human rights defenders

4. Article 1 of the Declaration proclaims that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels". The legislative, administrative and other steps necessary to ensure that the rights and freedoms referred to in the Declaration are effectively guaranteed should be adopted by each State. In accordance with the fourth preambular paragraph of the Declaration, human rights defenders are persons acting alone or in association with others in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources. They may belong to different professions, be members of governmental and non-governmental institutions, including civil servants, for example, law enforcement officers or prison officials. The activities of human rights defenders concern all categories of human rights: civil, cultural, economic, political, and social. Inspired and guided by human rights standards, human rights defenders act against the serious problems that affect the life of people throughout the world, such as hunger and poverty, intolerance and discrimination, abuse of power and corruption, insecurity, conflicts and repression, injustice and deprivation of liberty. They assist victims of human rights violations. In the work of human rights defenders, the concept of prevention takes a prominent place since, though just and necessary, compensation of victims always comes too late.

5. Human rights defenders are at the core of the human rights movement the world over. They work at democratic transformation in order to increase the participation of people in the decision-making that shapes their lives. Human rights defenders contribute to the improvement of social, political and economical conditions, the reduction of social and political tensions, the building-up of a peaceful environment, domestically and internationally, and the nurturing of national and international awareness of human rights. They form the base that regional and international human rights organizations and mechanisms, including those within the United Nations, build upon in the promotion and protection of human rights.

6. For their involvement in the struggle for human rights, the defenders are often the first victims of human rights violations perpetrated by State officials or non-State entities. Violence against them ranges from the most outright attacks against life, physical integrity and personal security and dignity, to more subtle and often diffuse forms of violence such as social disqualification through the association of human rights work with criminal activities, for example, terrorism or national treason. Legal restrictions imposed on freedom of association, assembly, information and movement are used to make human rights activities illegal. Judicial repression and physical violence are also used to hinder human rights advocacy. Human rights defenders can be the victims of harassment, threats, intimidation and restrictions on living conditions, such as loss of employment, denial of the right to work, of medical care or education for their children, loss of housing, land or citizenship. Violence also affects the relatives of human rights defenders and other persons associated with them.

7. Some human rights defenders are at greater risk because of the nature of the rights that they are seeking to protect. This is particularly true with regard to women who are human rights defenders. In many situations, women are at the front line of the struggle, not only for their own rights but also for those of their families and communities. In the midst of these struggles, many of these women are also personally at risk, for example, when they challenge the structures of societies that perpetuate discrimination against women, in particular where they relate to issues of sexuality and reproductive rights. Many women face additional discrimination because of their race, ethnicity, language, culture, religion or sexual orientation. In these circumstances, the call in the Beijing Platform for Action[4] for Governments to ensure the protection of women engaged in the defence of human rights is of particular importance.

8. In resolution 54/170 of 17 December, the General Assembly, noting with deep concern that, in many countries, persons and organizations engaging in promoting and defending human rights and

fundamental freedoms are facing threats, harassment and insecurity as a result of those activities and reiterating the importance of the Declaration, called for proposals and ideas that should contribute substantially to further work on the implementation of the Declaration. The importance of the Declaration and its promotion and implementation was also reiterated by the Commission in resolution 2000/61.

9. By resolutions 1998/3 of 20 August 1998 and 1999/3 of 20 August 1999,[5] the Subcommission on the Promotion and Protection of Human Rights noted with deep concern that, in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights were facing threat, harassment and insecurity. It expressed concern at the increasing number of cases brought to its attention, concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, had been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belonged.

10. In view of this situation, the Subcommission urged each State to take measures to ensure the effective respect of its obligation in the field of human rights in accordance with the provisions of international instruments, including the Declaration, and to guarantee to individuals, groups, associations, organizations and organs of society the necessary conditions to exercise fully their activities in favour of the recognition, promotion and defence of human rights, and to ensure the security of all persons covered by the Declaration who were being persecuted because of their human rights activities.

11. In the same resolutions, the Subcommission also condemned the murders of 17 named human rights defenders. It called upon the Governments concerned to carry out thorough investigations to identify perpetrators and bring them to justice, and to ensure that crimes committed against human rights defenders do not go unpunished. It also requested the High Commissioner for Human Rights to undertake inquiries about the security of 18 other named individual human rights defenders whose life or security was deemed to be at risk and to inform the Subcommission of the results of her inquiries. The High Commissioner is providing the requested information to the Subcommission.

12. United Nations organs also express concern about continuing reports on repressive measures taken against private individuals and groups that cooperate with the United Nations in human rights matters. This is a problem closely related to human rights defenders. In resolution 2000/22 of 18 April 2000,[6] the Commission on Human Rights urged Governments to refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for that purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations. Further, the Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies to help prevent the hampering of access to United Nations human rights procedures in any way and to report on such cases to the relevant United Nations organs.

13. The technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights and other agencies in the areas relevant to human rights offer support to Governments and civil society in creating conditions for the work of human rights defenders. The adoption of national plans of action in the field of human rights, as a participatory process involving both governmental bodies and non-governmental organizations, provides a good framework for strengthening human rights advocacy. In many countries, the establishment and functioning of independent national human rights institutions significantly contributes to the same end. Projects in the area of human rights education provide another example of the assistance offered by the United Nations in line with the Declaration.

14. The Assisting Communities Together (ACT) project, implemented by the Office of the High Commissioner in cooperation with the United Nations Development Programme in more than 20 countries, launched in 1998 on the occasion of the fiftieth anniversary of the Universal Declaration of Human

Rights, is intended to support practical human rights activities at the grass-roots level. This project is based on a bottom-up approach which emphasizes the role of civil society in the promotion and protection of human rights. It aims, through the provision of small grants to bona fide human rights defenders working individually or in association with others, at empowering people locally to raise human rights awareness and resolve local human rights problems. Thus, the ACT project also contributes to strengthening partnerships between United Nations and local human rights constituencies. Initially financed from voluntary contributions provided by Governments, the ACT project is now supported by the United Nations Fund for International Partnerships.

15. The Secretary-General has consistently underlined the importance of the Declaration and the need to promote its effective implementation.[7] He has also drawn attention to the importance of cooperation between non-governmental organizations and United Nations human rights bodies in order to advance its implementation. In particular, the Secretary-General has highlighted the important role in the campaign for the implementation of the Declaration of organizations, such as the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organization against Torture and the International Federation of Human Rights Leagues. The High Commissioner has also consistently urged the effective implementation of the Declaration. In her speech at the opening of the fifty-sixth session of the Commission on Human Rights, the High Commissioner emphasized the compelling need to take further measures to protect human rights defenders, and stated that the human rights community was looking to the Commission to implement the Declaration with practical measures. Human rights treaty bodies, as well as such United Nations entities as the United Nations Children's Fund, have also focused on the Declaration.

III. Special representative for human rights defenders

16. The Commission on Human Rights, by resolution 2000/61, requested the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration. In accordance with the decision of the Commission, which was endorsed by the Economic and Social Council in its decision 2000/220, the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

17. The Special Representative is expected to submit annual reports on his or her activities to the Commission on Human Rights and to the General Assembly, and to make suggestions and recommendations enabling him or her better to carry out his or her tasks and activities.

18. In its resolution 2000/61, the Commission urged all Governments to cooperate with and assist the Special Representative and to furnish all information in the fulfilment of his or her mandate upon request. Further, it requested the Secretary-General to provide the Special Representative with all necessary assistance, in particular in terms of staff and resources, and requested the Special Representative to report annually on his or her activities to the Commission and the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities.

19. The establishment of the implementation mechanism for the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms is a further milestone in the international efforts made since 1948 to recognize the vital role of human rights defenders in the improvement of the situation of human rights throughout the world, and to look for ways to provide more effective international protection to them and to their activities. This will be a central international mechanism for making the rights and responsibilities of

human rights defenders, as laid down in the Declaration, a reality.

Notes

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] General Assembly resolution 53/144, annex.

[3] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[5] See, respectively, E/CN.4/1999/4, chap. II, sect. A, and E/CN.4/2000/2, chap. II, sect. A.

[6] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[7] See, for example, E/CN.4/2000/95 and A/54/280.

United Nations A/55/293

General Assembly

Distr.: General
11 August 2000

Original: English

Fifty-fifth session
Item 109 of the provisional agenda*
Advancement of women

Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

Report of the Secretary-General**

Summary

Pursuant to General Assembly resolutions 52/100 and 53/120, the present report provides updated information on follow-up to the Fourth World Conference on Women by intergovernmental bodies, the United Nations system and non-governmental organizations. The report is the third such report presented on a rolling basis in 2000 to the Commission on the Status of Women, the Economic and Social Council and the General Assembly.

* A/55/150.

** This report was submitted on 11 August 2000 in order to allow departments of the Secretariat and other entities in the United Nations system sufficient time to submit their contributions.

00-60514 (E) 280900

I. Introduction

1. The General Assembly, by resolutions 52/100 of 12 December 1997 and 53/120 of 9 December 1998, requested the Secretary-General to report annually to the General Assembly, the Commission on the Status of Women and the Economic and Social Council on follow-up to and implementation of the Beijing Declaration[1] and the Platform for Action[2] adopted by the Fourth World Conference on Women. The present report does not include information on the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century", which was held from 5 to 9 June 2000, and which is the subject of a separate report (A/55/341). That report also contains information on the activities of non-governmental organizations and other institutions of civil society undertaken in connection with the special session.

2. The Secretary-General, in previous reports to the General Assembly on the implementation of the outcome of the Conference, noted the understanding of the Secretariat that the reports to the Commission on the Status of Women, the Economic and Social Council and the General Assembly on the subject would be provided on a rolling basis. Each report would briefly summarize the results of previous sessions of the other bodies and add new, up-to-date information. Three reports are therefore submitted in the course of a year to the three bodies, under the broad heading of follow-up to the Beijing Conference and mainstreaming a gender perspective. An effort is made in each report to provide information that is most pertinent to the respective intergovernmental body in order to facilitate intergovernmental decision-making.

3. The present report provides an update of developments that have taken place since the submission of the reports of the Secretary-General to the General Assembly at its fifty-fourth session (A/54/264), the Commission on the Status of Women at its forty-fourth session (E/CN.6/2000/2) and the Economic and Social Council at its substantive session of 2000 (E/2000/77).

II. Results of the substantive session of 2000 of the Economic and Social Council in the areas of advancement of women, implementation of the Platform for Action and gender mainstreaming

4. The Economic and Social Council, at the coordination segment of its substantive session of 2000, discussed the cross-sectoral theme of "Assessment of the progress made within the United Nations system, through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields". In its agreed conclusions (2000/2),[3] the Council noted that the recent five-year reviews and appraisals had been the occasion to reaffirm the goals and objectives agreed at the major United Nations conferences and summits and had identified obstacles and constraints encountered, actions and initiatives to overcome them and important measures for the further implementation of their programmes of action as well as new challenges and emerging issues. The Council invited its relevant functional commissions to consider options[4] for enhancing the reviews of the major United Nations conferences and summits and to inform the Council, for its consideration at its substantive session in 2001, of the outcome of their discussions. The Council stated that particular attention should be given to the periodicity of conference reviews and, in this context, requested the Secretary-General to prepare a comprehensive report on the different options, including a compilation of the views expressed by those functional commissions.

5. Further, the Council reiterated that the relevant functional commissions and other relevant intergovernmental bodies should focus on the issues relating to the conference for which they were responsible, and obtain inputs from relevant bodies on related issues. In that regard, the Council stated that: (a) the functional commissions and other intergovernmental bodies should, at an early stage, identify the possible agenda and scope of the review of the conference for which they had primary responsibility; (b) in general, the reviews should ascertain lessons learned from the implementation of

conference outcomes; constraints encountered and ways to overcome the constraints; and the impact of new developments and challenges; and (c) the outcome documents should be action-oriented and as concise as possible.

6. By resolution 2000/26 of 28 July 2000, the Council reaffirmed the commitments and recommendations contained in its 1999 ministerial communiqué on the role of employment and work in poverty eradication: empowerment and advancement of women, welcomed the outcome documents of the twenty-third and twenty-fourth special sessions of the General Assembly and reiterated the call that the relevant organizations of the United Nations system and the international community take consistent, coherent, coordinated and joint actions in support of national efforts to eradicate poverty, with particular attention to employment creation and work and the empowerment and advancement of women. By the same resolution, the Council urged all Member States to take measures, at the national and international levels, to promote the effective mobilization of resources in order to facilitate the full implementation of the recommendations of the 1999 communiqué and the outcomes of the twenty-third and twenty-fourth special sessions of the General Assembly. Further, it urged States that had not yet ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women[5] to do so as soon as possible, and all States parties to fulfil their obligations under the Convention, and it invited States parties to the Convention to consider signing and ratifying or acceding to the Optional Protocol.

7. At its substantive session of 2000, the Council considered the report of the Commission on the Status of Women on its forty-fourth session, held from 28 February to 2 March 2000.[6] By decision 2000/237 of 27 July 2000, the Council took note of the report of the Commission and approved the provisional agenda and documentation for its forty-fifth session. By resolution 2000/24 of 28 July 2000, the Council took note of (a) the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women at its twentieth session (E/2000/58) and of the recommendations and decisions contained therein, and (b) the report of the Director of the International Research and Training Institute for the Advancement of Women (E/2000/59). By decision 2000/289 of 28 July 2000, the Council took note of the report of the Secretary-General on follow-up to and implementation of the Beijing Declaration and Platform for Action (E/2000/77) and the note by the Secretary-General on assessment of activities undertaken by the United Nations system under the system-wide medium-term plan for the advancement of women, 1996-2001 (E/2000/78).

8. At the same session, the Council adopted two resolutions recommended to it by the Commission on the Status of Women. By resolution 2000/9 of 27 July 2000, the Council requested the Secretary-General to continue to review the situation of women and girls in Afghanistan and to submit to the Commission on the Status of Women at its forty-fifth session a report on progress made in the implementation of that resolution. By resolution 2000/23 of 27 July 2000, the Council requested the Secretary-General to continue to review the situation of Palestinian women and to assist them by all available means, and to submit to the Commission on the Status of Women at its forty-fifth session a report on the progress made in the implementation of that resolution.

III. United Nations system

A. Activities undertaken by the organizations of the United Nations system

9. Since the submission to the General Assembly of the previous report of the Secretary-General on the subject (A/54/264), the organizations of the United Nations system have continued to assist in the implementation of the Beijing Declaration and Platform for Action. Information received by the United Nations Secretariat on the programmes, policies and other activities undertaken for the implementation of the Platform for Action by United Nations entities is summarized below. The present report does not contain information on the activities of the United Nations Development Fund for Women (UNIFEM) since a separate report on its activities (A/55/271) will be before the General Assembly.

10. The *Office of the Special Adviser on Gender Issues and Advancement of Women* has continued to support and monitor the gender mainstreaming efforts of the United Nations. Consistent efforts are being made throughout the United Nations to incorporate a

gender perspective into substantive work. Many departments and regional commissions have given increased attention to a gender perspective in their medium-term plans and attention has been given to the inclusion of a gender perspective in the instructions for the preparation of programme budgets. A system-wide study of gender mainstreaming in programme budgets, carried out by a task force of the Inter-agency Committee on Women and Gender Equality, has led to increased recognition of the importance of incorporating a gender perspective into budget processes. At the fifth session of the Inter-agency Committee, held from 23 to 25 February 2000, the task force was mandated to disseminate broadly the findings of the study, to investigate ways and means of increasing the level of gender mainstreaming in programme budgets, and to prepare generic guidelines on the incorporation of gender mainstreaming into budget processes.

11. The development of competence on gender mainstreaming among United Nations staff members continued. A competence development framework for gender mainstreaming, and a resource-base of facilitators, is being developed by the Office of the Special Adviser on Gender Issues and Advancement of Women. Competence development programmes for the Department of Peacekeeping Operations and the Economic and Social Commission for Western Asia (ESCWA) were implemented by the Office of Human Resource Management in 1999. Programmes for the Department of Economic and Social Affairs and for the Economic and Social Commission for Asia and the Pacific (ESCAP) are being prepared for the period 2000-2001 by means of a collaborative effort between the Office of Human Resources Management and the Office of the Special Adviser.

12. In order to assess the current status of gender mainstreaming in the regional commissions and to provide necessary guidance, visits were made to ESCAP in 1999 and to ESCWA in 2000, and concrete recommendations were made for improving the implementation of gender mainstreaming. Similar visits are planned for the other regional commissions and for the United Nations Offices at Geneva, Nairobi and Vienna.

13. The Inter-agency Committee on Women and Gender Equality, which is chaired by the Special Adviser on Gender Issues and Advancement of Women, continued to collaborate effectively in the development of methodologies for gender mainstreaming. Task forces prepared an inventory of the materials available within the United Nations system on gender training, prepared assessments of the gender focal point system and the use of gender impact analysis within the United Nations system, and compiled a bank of good practice examples in the implementation of the Platform for Action, including gender mainstreaming.

14. The *Division for the Advancement of Women* convened two panel discussions during the forty-fourth session of the Commission on the Status of Women. The first panel, on the theme "Emerging issues, trends and new approaches to issues affecting women or equality between men and women", considered the questions of women and work, including the emergence of new forms of work and employment and reconciliation of family and work responsibilities; women's human rights and access to resources; information and communication technologies; and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). The second panel, on the theme "Outlook on gender equality, development and peace beyond the year 2000", considered the topics of population, fertility and development from a gender perspective; humanitarian assistance and conflict resolution; human rights in the context of democratic transition; and gender aspects of globalization and poverty.

15. The Division acted as the focal point for the preparatory process for the twenty-third special session of the General Assembly and for the special session itself. It provided services for the work of the Commission on the Status of Women acting as the preparatory committee for the special session and its Bureau, in particular with regard to the negotiations leading to the adoption of the political declaration and the outcome document. The Division prepared for the review and appraisal of the Platform for Action, analysing 135 responses to the questionnaire of the Secretary-General on the implementation of the Beijing Platform for Action. An analysis of the main trends in the implementation of the Platform was submitted to the preparatory committee at its third session in March 2000 (E/CN.6/2000/PC/2 and Corr.2-3).

16. The Division produced two publications. *Commission on the Status of Women — Agreed Conclusions on the Critical Areas of Concern of the Beijing Platform for Action 1996-1999*[7] covers the

results of the work of the Commission on the Status of Women since 1996, including the adoption of resolutions and agreed conclusions containing recommendations for accelerated implementation of the Platform for Action. The second publication, *The Optional Protocol: Text and Materials — The Convention on the Elimination of All Forms of Discrimination Against Women*[8], traces the process leading to the adoption by the General Assembly of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and its opening for signature, ratification and accession, and provides governmental officials, scholars and activists with easy access to texts and materials related to the development of the Optional Protocol.

17. In June 2000, the Division organized a consultative meeting on the role of national machineries, with the three-fold purpose of understanding national machineries in national planning processes and structures, promoting learning and exchange on strategies for gender mainstreaming in planning at the national and local levels, and developing a consensus on essential factors that would enable national machineries effectively to pursue their mandates and meet new and emerging challenges.

18. The *Department for Disarmament Affairs* has in the past year taken several steps to move forward its gender mainstreaming agenda. The Department, in a letter addressed to Member States in 2000, strongly urged the nomination of female candidates whenever possible to participate in the United Nations Disarmament Fellowship Programme, for which it is responsible. This resulted in an increase in the number of female participants, from 20 per cent in 1998 to 36 per cent in 2000. The Department has maintained its vigilance, since many of the fellows who graduate from this Programme continue their work in foreign and/or defence ministries at the decision-making levels.

19. The Department continued to meet with the Office of the Special Adviser on Gender Issues and Advancement of Women, with which it has been discussing systematically the extent to which a gender perspective could be included in the work of the Department. The Department and UNIFEM have begun to prepare a policy paper which would highlight the gender implications of disarmament-related activities and emerging opportunities for strengthening the contributions of women to disarmament. The ongoing development by the Department of fact sheets on a gender perspective in disarmament has been another example of innovative work on gender mainstreaming within the United Nations.

20. The *Department of Peacekeeping Operations*, through its Special Committee on Peacekeeping Operations, identified several areas in peacekeeping where gender issues should be addressed. The Committee recognized the increasing need for the participation of female personnel, on a broad geographical basis, in all aspects of peacekeeping operations and encouraged the development and implementation of innovative strategies to further that aim. The Committee recommended that an analysis of the effectiveness of such strategies be included in the reports of the Secretary-General on peacekeeping operations. The Committee encouraged continued attention to gender sensitivity training for peacekeeping personnel, at headquarters and field level and, in order to ensure that a gender perspective is adopted in peacekeeping missions, has established dedicated gender units in the United Nations Interim Administration Mission in Kosovo and the United Nations Transitional Administration in East Timor and expects to do so in other large missions. The Department completed a programme of gender mainstreaming training for all its staff at Headquarters and was planning to extend this training to the field.

21. The Lessons Learned Unit of the Department, in collaboration with the Division for the Advancement of Women, has been conducting a study on mainstreaming a gender perspective in multidimensional peace support operations, which will identify reasons for difficulties in attracting and retaining women staff and examine the critical difference that their inclusion makes in the effectiveness of modern peacekeeping. This involved the convening of a workshop in Namibia in May 2000, which led to the promulgation of the Windhoek Declaration and the Namibia Plan of Action which identify action to be taken to ensure that a gender perspective is adopted in all multidimensional operations in support of peace.

22. In a statement to the Commission on the Status of Women in March 2000, the President of the Security Council strongly supported gender mainstreaming in peace negotiations and peacekeeping.

23. The *Office for the Coordination of Humanitarian Affairs* is mandated to coordinate United Nations assistance in a humanitarian crisis that goes beyond the

capacity and mandate of any single humanitarian agency. In its agreed conclusions 1999/1 on special economic, humanitarian and disaster relief assistance adopted by the Economic and Social Council, the Council recognized the positive role women could play in post-conflict peace-building and reconciliation. The Council stressed the need to integrate a gender perspective into the planning and implementation of activities and recommended that such a perspective be further promoted.

24. Since the policy statement on mainstreaming gender into humanitarian response was endorsed by the Inter-Agency Standing Committee of the Administrative Committee on Coordination in 1999, the Office for the Coordination of Humanitarian Affairs has financially supported and participated in an inter-agency workshop to consider gender requirements in the consolidated appeals process. Tools generated in this workshop were distributed to trainers and training was conducted in the field so as to ensure the integration of a gender perspective into the process in 2000. An interim review of the latter process was performed in connection with the appeals for Angola, the Democratic People's Republic of Korea and Tajikistan, and recommendations were formulated for consideration by the working groups of the Inter-Agency Standing Committee on the consolidated appeals process and gender, respectively. The use of these tools has led to improvements in the appeals for these countries, such as including gender mainstreaming as a guiding principle for humanitarian action (Angola) and a common humanitarian long-term goal (Democratic People's Republic of Korea), establishing gender theme groups in Angola and the Democratic People's Republic of Korea, analysing the gender implication of the emergency and reviewing the implementation of the policy paper statement endorsed by the Inter-Agency Standing Committee establishing a working group on protection in Angola in order to address gender-based violence, targeting of women's non-governmental organizations in Tajikistan in order to improve the status of women and children, identifying measures to address youth illiteracy in Tajikistan and including a gender mainstreaming review project in the consolidated appeals process for Angola. In addition, the Inter-Agency Standing Committee has mandated its working group on gender mainstreaming in humanitarian response to continue its work and further review the implementation of the policy statement endorsed by the Committee.

25. The *Statistics Division* of the Department of Economic and Social Affairs prepared *The World's Women 2000: Trends and Statistics*[9] for the General Assembly at its twenty-third special session, as requested in the Platform for Action and by the General Assembly in its resolution 52/231 of 4 June 1998. The document was launched at the United Nations on 31 May 2000. The Division continued to implement strategic objective H.3 of the Platform for Action, paragraph 208, relating to sex-disaggregated statistics by means of two main programmes of work. The first concerned the preparation of version 4 of the Women's Indicators and Statistics Database (Wistat), which has been described as the most comprehensive international database on gender and social statistics and has been widely used within the international system and in research throughout the world. It was also the main source of statistics for *The World's Women 2000*. The second programme of work concerned a project developed with the United Nations Development Programme (UNDP) and the International Development Research Centre of Canada on gender issues in the measurement of paid and unpaid work, and the development of gender statistics and gender indicators to measure progress.

26. For the twenty-third special session of the General Assembly, the Division convened two panel discussions, one to review progress made in the development of gender statistics at the international and national levels and the second to review the role of time use surveys in measurement of paid and unpaid work. The latter workshop was a joint activity carried out with UNDP. Under the project on paid and unpaid work, the Division has been providing technical assistance to countries in the design of time use surveys and in the measurement of the informal sector. The Division has also been implementing a project under the Development Account in the Caribbean Community (CARICOM) region. The gender statistics activities under the project include the convening of a regional training seminar and the production of a regional publication.

27. The *Department of Public Information* continued its ongoing multimedia communications strategy to support the implementation of the Platform for Action, both at United Nations Headquarters and in the field, by its network of United Nations information centres and services in over 70 countries. Activities included media outreach, press coverage, print products, special

events, radio and television programmes, Internet activities, electronic transmissions, collaboration with non-governmental organizations, public services, lectures and seminars, and media training for journalists, among others. The Department covered and promoted the twenty-third special session of the General Assembly through the preparation of a media kit, media outreach, and numerous programmes carried out by its information centres and services. It also provided coverage of the work of the forty-fourth session of the Commission on the Status of Women, the third session of the Commission acting as preparatory committee for the special session, and the twenty-second and twenty-third sessions of the Committee on the Elimination of Discrimination Against Women. In addition, the Department was the lead agency for the organization of an inter-agency special event to observe International Women's Day 2000, which was a town hall meeting under the theme "Women uniting for peace".

28. The *Office of the United Nations High Commissioner for Human Rights* convened a series of two-day workshops in January and June 2000 for the staff of the Office. The workshops covered gender concepts and frameworks, the relationship of gender to women's human rights, and the practical application of gender concepts and frameworks to the programmes and activities of the Office. The Office co-sponsored a regional workshop organized by the Asia Pacific Forum of National Human Rights Institutions on the role of national institutions in advancing the international human rights of women, held at Suva, from 5 to 7 May 2000. The workshop affirmed the importance of international standards on the rights of women, in particular the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Declaration on the Elimination of Violence Against Women,[10] notwithstanding countervailing cultural, traditional and religious practices.

29. The Office of the High Commissioner finalized a position paper on trafficking in persons, especially women and children, for use internally and by United Nations entities. As a follow-up, the Office convened a consultative meeting, from 26 to 28 July 2000, to develop guidelines on trafficking in persons. The Office, along with the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund, issued a note in April 2000 on the protocols concerning migrant smuggling and trafficking in persons. The Office prepared a paper entitled "Building on achievements: women's human rights five years after Beijing", which summarized the developments of the United Nations treaty bodies and special mechanisms in implementing the standards that were affirmed at Vienna and elaborated at Beijing. The paper provides authoritative interpretations of their content, giving them practical application.

30. The *Economic Commission for Europe (ECE)* took steps after its regional meeting for the twenty-third special session of the General Assembly to further develop gender mainstreaming in its areas of work, in particular in the fields of trade and enterprise development, economic analysis, and gender statistics, benchmarks and indicators.

31. The *Economic Commission for Latin America and the Caribbean (ECLAC)* designed a project on making gender indicators available for policy-making purposes, which is to be executed jointly with ECE and other entities of the United Nations system and has been seeking additional financing. The Women and Development Unit of ECLAC has prepared the document entitled "Gender mechanisms in Latin America and the Caribbean: an evaluation", which is to be presented at the thirty-first meeting of the Presiding Officers of the Regional Conference of Women in Latin America and the Caribbean, to be held at Santiago from 13 to15 September 2000.

32. In the framework of the two-year project on gender mainstreaming in the substantive work of ECLAC and in sectoral ministries, which was initiated in July 1999, ECLAC prepared a regional diagnosis on the mainstreaming of a gender perspective in economic and work-related public policies in the countries of Latin America and the Caribbean, to be presented at the next meeting of the Presiding Officers of the Regional Conference. Three national agreements were also concluded between ECLAC and national mechanisms in order to strengthen this process at the country level and formulate an intersectoral plan of action that would define action and strategies to ensure the growing incorporation of a gender perspective in work-related policies.

33. The *Economic and Social Commission for Asia and the Pacific (ESCAP)* launched an umbrella project with a gender component, on the promotion of social

safety nets for women affected by the Asian economic crisis. Under the project, an elaborate questionnaire was developed to evaluate the effectiveness of various assistance programmes that were put in place in Indonesia, the Republic of Korea and Thailand with a focus on the gender dimensions of the crisis. The project will help in identifying the gaps in the programmes to protect affected women and the remedial measures that need to be adopted to make these programmes more effective in protecting women. ESCAP convened a meeting of consultants at Bangkok, from 22 to 24 May 2000, which reviewed the impact of the economic crisis, and finalized the questionnaire and the study methodology of the project on social safety nets.

34. The fifth Consultative Meeting among Executive Heads of Subregional Organizations and ESCAP was held at Bangkok on 7 and 8 June 2000. The meeting reviewed the state of cooperation among ESCAP, the Association of South-East Asian Nations and the South Asian Association for Regional Cooperation in various fields and identified several areas in which cooperation could be strengthened, including feminization of poverty, gender and equality, trafficking in women and children, transnational criminal activities, and women in small business. In collaboration with the Asian Women's Resource Exchange, ESCAP convened a women's electronic network training workshop, which was hosted by Sookmyung Women's University at Seoul from 19 to 25 June 2000 under the project on the strengthening of the women's information network through computer networking in the Asian and Pacific region. In addition, ESCAP has been conducting research on women's organizations and their use of information and communication technologies in Asia and the Pacific, in collaboration with Isis International Manila and the Association for Progressive Communications.

35. The *Economic and Social Commission for Western Asia (ESCWA)* was given the mandate by the Arab Conference for Follow-up to Global Conferences, held from 12 to 15 December 1999, to work closely with regional organizations such as the League of Arab States and the Centre of Arab Women for Training and Research, and with governmental and non-governmental organizations in order to assist in accelerating the implementation of the Platform for Action. In addition, ESCWA has been promoting a rights-based approach to gender equality in the new millennium premised on the basic elements of good governance and human rights.

36. The *United Nations Children's Fund* created a guide to gender mainstreaming in country programming which was field tested, and good practices documented through the internal programme knowledge network and shared with other entities. UNICEF contributed to the development of programme guidance and tools on the integration of gender in the consolidated appeals process. Some country offices have developed more specific materials, such as the *Gender and Leadership Resource Book* in Nigeria. UNICEF supported the development of data systems and initiatives for sex-disaggregated statistical analysis in a number of countries.

37. Through programmes of cooperation, UNICEF offices in Asia and Africa gave specific attention to ending violence against women and girls, including through the documentation of its incidence and the development of strategies in collaboration with Governments, non-governmental organizations and United Nations entities. Four video films were produced in South Asia to examine the gender stereotypes that perpetuate violence against women, and are being used in public education to encourage the involvement of males as part of the solution. In Pakistan, the findings of UNICEF-supported studies have promoted advocacy with policy makers on the extent and nature of violence, particularly "honour killings" of women.

38. UNICEF strengthened its focus on addressing sexual exploitation and abuse in 1999. The trafficking of women and girls from countries in Central and Eastern Europe, the Commonwealth of Independent States and in the Baltic States continued to gain visibility through press coverage, and a study of the situation of children in border communities was supported in Poland. National workshops on trafficking were held in cooperation with UNICEF in Cambodia, the Lao People's Democratic Republic and Viet Nam, as part of the Mekong Regional Law Centre project. Viet Nam developed a new ordinance on the prevention of child prostitution and trafficking, while in Nepal, UNICEF expanded its support for paralegal training and community surveillance to 14 districts. It also signed a five-year agreement with the Nepalese police which includes the development of training and data collection systems to address sexual exploitation and the trafficking of children. In parts of India, small-scale

hostel programmes for children in danger of sexual exploitation are being established, while educational opportunities for girls and income-generation opportunities for families have been supported to promote alternatives to sex work.

39. The *United Nations Development Programme* signed a memorandum of understanding in July 2000 with the International Telecommunication Union and UNIFEM, through which they will jointly identify means to ensure that technological innovations contribute to gender equality. This was part of the growing emphasis by UNDP on the impact of new technologies on development, including the gender dimensions of that impact. Among recent UNDP publications was a monograph, on transforming information and communication technologies for gender equality, which explored the gender dimensions of the growing digital divide, and proposed the action to be taken by Governments and the development community in that regard. UNDP has also been involved in the emergence of a group exploring the ways in which men in the development community can contribute to a gender equality agenda. In partnership with UNICEF, the United Nations Population Fund, the United Nations Secretariat and others, the group has participated actively in policy dialogue and has produced an analysis of men, masculinities and development.

40. A programme of training UNDP staff and development partners in gender mainstreaming, developed in consultation with the inter-agency community, has resulted in several activities in support of governmental implementation of Beijing commitments. Examples of UNDP activities at the country level include: reports on women's role in peace-building; the preparation of gender mainstreaming briefing kits in many countries, increased inclusion of gender indicators and gender discussion in national human development reports; training workshops to strengthen the capacity of civil society organizations to participate in the reporting process of the Committee on the Elimination of Discrimination against Women and activities to support Governments in fulfilling their reporting requirements; capacity-building for police and judges; support to national monitoring and reporting activities related to the implementation of the Platform for Action; and establishment of a national institute for women's leadership.

41. In collaboration with UNIFEM, UNICEF and the Commonwealth of Learning, and in consultation with the International Training and Research Institute for the Advancement of Women, UNDP has been supporting the development of linked databases on gender good practices and gender training materials from the United Nations system. This provides Governments, United Nations entities and other partners with ready access to successful approaches to gender mainstreaming, and tools that can be used to build national capacity for follow-up to conferences.

42. UNDP supported research and innovation in the areas of gender budgets, gender statistics and gender indicators. Two workshops were convened for networking and knowledge sharing on gender, macroeconomics and national budgets.

43. *United Nations Volunteers (UNV)* carried out a mid-term review of its joint pilot initiative with UNDP and UNIFEM, in which 20 UNV gender-in-development project specialists were provided to UNDP country offices. The review was undertaken one year after the official launch of project activities, and involved an assessment of the experience gained so far so that adjustments could be made, where appropriate, based on lessons learned. It concluded that the project was achieving its objective to increase gender expertise in the UNDP country offices and there had been substantial gains in promoting gender mainstreaming within the resident coordinator system. Certain challenges still remain, including the need for further support for gender mainstreaming by senior management and the underutilization of gender specialists in supporting inter-agency work within the resident coordinator system. The learning experiences and best practices of this programme were presented in a joint UNDP/UNIFEM/UNV panel discussion by four UNV gender specialists convened during the twenty-third special session, complemented by a publication illustrating the best practices of the 20 gender specialists within the pilot project.

44. The *United Nations Environment Programme (UNEP)* has focused its efforts on ensuring gender equality in UNEP personnel practices and gender sensitivity in all projects and programmes. Gender equality consideration has been addressed in all sectoral and thematic work of UNEP. In addition, UNEP has developed through in-house consultation, including the convening in 1999 of two in-house workshops on gender mainstreaming at UNEP and the

United Nations Office at Nairobi, a strategy for gender mainstreaming in UNEP policy, programming and operational procedures. The strategy is aimed at setting up mechanisms and accountability processes so as to ensure the integration of gender equality in the policies, programmes and operations of UNEP, building the capacity of UNEP staff members to carry out and commit to the strategy, and facilitating the contribution of UNEP to the implementation of the Platform for Action.

45. UNEP has also been finalizing a framework for a global network of focal points for gender and the environment, which will consist of focal points from government and relevant international non-governmental organizations. The network will provide for information exchange and data collection, and assist in capacity-building at the national, regional and international levels. It was intended as an effective channel to share lessons learned and experience. In addition, UNEP has produced and disseminated a publication that contains three success stories on gender and environment.

46. The *United Nations Population Fund (UNFPA)* continued to play a critical role in carrying out the mandates assigned by the International Conference on Population and Development and its five-year review, and the Fourth World Conference on Women. By allocating 60 per cent of its support to the area of reproductive and sexual health at the country level, UNFPA has helped to increase access to reproductive health and family planning services in many countries. It continued to fight the HIV/AIDS pandemic, focusing on the vulnerability of women and girls. UNFPA helped to provide services and information to adolescent boys and girls, with special attention paid to the needs of girls, and emphasized the need for men's positive involvement in improving the status of women. Several UNFPA-supported activities advocate the elimination of female genital mutilation and other harmful traditional practices. The Fund also continued to play an important role in providing reproductive and sexual health services and information to populations living in emergency situations.

47. The activities of the *United Nations International Drug Control Programme* were interrelated with the twentieth special session of the General Assembly, held from 8 to 10 June 1998, which was devoted to countering the world drug problem. The Political Declaration adopted at that session stressed that women and men should benefit equally, and without any discrimination, from strategies directed against the world drug problem, through their involvement in all stages of programmes and policy-making. In order to monitor progress made in the implementation of the decisions of the twentieth special session, the Commission on Narcotic Drugs adopted resolution 42/11 of 1 December 1999,[11] on a unified, single questionnaire including the information required on all the actions and measures adopted at the special session. The gender dimension was included in the questionnaire, especially in the context of alternative development and demand reduction. For example, countries were asked whether or not they had incorporated a gender dimension in their alternative development programmes. In section VIII of the questionnaire on demand reduction, countries are asked to answer questions about their prevention programmes and for each item, they are asked to indicate whether it was a gender-sensitive programme.

48. During the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Vienna from 10 to 17 April 2000, a workshop on women in the criminal justice system was convened by the European Institute for Crime Prevention and Control. It consisted of four modules: women as offenders and prisoners; women as victims and survivors; women in the criminal justice system; and research and policy issues. During the workshop, a broad range of views were presented by practitioners, policy makers, advocates of victims' and women's rights, and researchers.

49. The *United Nations Interregional Crime and Justice Research Institute (UNICRI)*, in close cooperation with the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention has, within the framework of the Global Programme against Trafficking in Human Beings, started the collection, evaluation and assessment of the involvement of organized crime in the trafficking of human beings, with particular attention paid to trafficking in women for forced labour, forced marriage and sexual exploitation. Two projects, one in the Philippines and another in Poland and the Czech Republic, have been initiated. A summary report of the rapid assessment of the project in the Philippines, which was conducted by UNICRI in cooperation with the Australian Institute of Criminology in 1999, was distributed in April 2000 at

the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders as a conference room paper. The project in Poland and the Czech Republic is focused on trafficking in women for sexual exploitation, and involves these two countries as well as Austria, Finland, Germany and the Netherlands. Other projects to be implemented in 2000 involve Brazil and West Africa (Benin, Côte d'Ivoire, Nigeria and Togo).

50. The *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)* continued its efforts to meet, through its core programmes, the objectives of development and equality for women. UNRWA promoted equal access to its educational facilities in its five fields of operation (Jordan, Lebanon, the Syrian Arab Republic, the West Bank and Gaza Strip) for Palestine refugee girls and boys, and maintained full gender equality with 50 per cent of pupils being female. In its health programme, UNRWA placed special emphasis on maternal and child health. As part of its programme on women-in-development, UNRWA supported some 70 community-based women's programme centres which undertook activities, including lectures and workshops, on issues of concern to women and the community, and skills training courses and support services to women, such as kindergartens and legal advice bureaux. The strategy of UNRWA was to provide training for the women operating the centres with a view to facilitating managerial and financial self-sustainability. As part of its income generation programme, the UNRWA solidarity group lending programme was focused solely on loans to women owners of microenterprises in the West Bank and Gaza Strip, with almost its entire operational level management and credit extension staff composed of women. The solidarity group lending programme provided working capital loans to women through a group guarantee system and a graduated lending methodology. The programme remained one of the most successful women's credit programmes in the Middle East region, maintaining an annual repayment rate of some 96 per cent.

51. The *United Nations Centre for Human Settlements* continued to implement the Platform for Action through the mandate of the Commission on Human Settlements. At its seventeenth session, the Commission resolved that both the women and Habitat programme and the Gender Unit should be adequately equipped to meet the challenges of implementing the new strategic vision. The new strategic focus and work plan for 2000-2001 identified the empowerment of women as the main indicator of the success of the interventions by the Centre. The two global campaigns, on secure tenure and good urban governance, both highlight women and gender issues.

52. Grass-roots indicators of women's empowerment in urban informal settlements have been applied in more countries. A set of gender-sensitive indicators on local governance was being tested in preparation for the follow-up meeting to the United Nations Conference on Human Settlements (Habitat II), scheduled to be held in 2001. Local urban observatories are being supported in order to improve reporting on sex-disaggregated data. The best practices database of the Centre has been coordinated with those of its main partner on women's issues, the Huairou Commission, and the Inter-Agency Committee on Women and Gender Equality. In addition, three books were published on gender and human settlement issues in 2000, one on gender responsive environmental planning and management, another on violence against women in urban areas, and the third on women's right to land, housing and property in post-conflict situations and during reconstruction.

53. The *Office of the United Nations High Commissioner for Refugees (UNHCR)* had, as one of its strategies for gender equality mainstreaming, the creation of gender teams and the strengthening of gender networks. The concept of gender networking has moved away from the idea of an isolated gender focal point being totally responsible for gender issues, ensuring a multisectoral approach since each gender team included at least one staff member from both the protection and programme sections of UNHCR. This approach has proved successful in the Americas and Eastern Europe, the Commonwealth of Independent States and Central Asia where gender networks have become specific tools of developing regions for programming and protection.

54. UNHCR realized that gender mainstreaming required the comprehensive training of staff throughout the organization. For more than a decade, UNHCR has used People Oriented Planning (POP) training to provide UNHCR staff and implementing partners with a framework for analysing and understanding the different experiences of women and men refugees. The POP training package was revised in 2000 to incorporate a rights-based approach and has been

recently piloted in a workshop in Kosovo. In addition, UNHCR has integrated gender equality training tools into the new protection learning programme that will reach all protection staff in the organization, as part of an ongoing effort to mainstream a gender perspective into all training activities. In Guinea, Kenya, Liberia and Uganda, UNHCR launched a pilot peace programme, recognizing that refugees need negotiation and conflict resolution skills for sustainable and durable solutions. UNHCR has also supported various initiatives to bring refugee women to the peace-negotiation table and has worked to ensure that refugee women's perspectives are included in a number of peace-building processes, from the Arusha negotiations on Burundi, to the Mano River Union initiative in West Africa.

55. The *United Nations University (UNU)* has been increasingly dealing with gender issues in its research and capacity-building activities under two broad areas: peace and governance; and environment and sustainable development. In the former area, two research projects were launched concerning women and children, the two groups of society most vulnerable to conflict and at the same time very crucial to post-conflict peace-building efforts. One project examines the special needs of and challenges posed to children and women in post-conflict societies, drawing upon case studies throughout the world. The other was a collaborative follow-up to a two-year project on child soldiers in Africa by the Institute of Security Studies, South Africa. The follow-up research was based on an extended survey of the community and focused on girl combatants and their reintegration into society. Projects highlighted in the latter area include the preparation of a directory of African women professionals involved in natural resource conservation and management, as well as the documentation of success stories of African women in natural resource management enterprises. The results of these activities by the UNU Institute for Natural Resources in Africa since 1998 are expected to strengthen the Institute's gender focus in project development and also help Governments and their development partners to ensure women's active participation in national development.

56. The *International Research and Training Institute for the Advancement of Women (INSTRAW)* has been undertaking a new strategic role and working method, using primarily new information technologies as a means of producing, managing, disseminating and applying gender-aware knowledge and information on critical issues and trends, in order to promote the equal partnership of women and men in development. The General Assembly, by resolution 54/140 of 17 December 1999, mandated INSTRAW to undergo a process aimed at enhancing and developing its infrastructure and methodologies to meet the challenges of the new information and communication age. In response, INSTRAW devised a new structure and working method, the Gender Awareness Information and Networking System (GAINS). GAINS positions the Institute to play a unique role in the promotion of gender-sensitive, human-centred development around the world. GAINS, a new global strategy for development cooperation, addresses both the strategic and practical needs of women. The system empowers women, and functions as a virtual workshop on gender. INSTRAW launched its new web site in English featuring GAINS at the twenty-third special session of the General Assembly, and it was envisioned that the web site would eventually be available in the six official languages of the United Nations.

57. The *United Nations Research Institute for Social Development (UNRISD)* has continued to demonstrate its support to the implementation of the Platform for Action. In 1999, UNRISD commissioned a series of papers assessing how far contemporary debates and developments over rights and democracy have empowered women's struggle for greater gender justice. As part of its project entitled "Gender justice, development and rights: substantiating rights in a disabling environment", UNRISD held a one-day workshop in New York to coincide with the twenty-third special session of the General Assembly. The immediate output from the event was the preparation of a summary of issues paper which was circulated at the special session. UNRISD also prepared for publication a longer conference report which highlights the main issues debated at the workshop. The final version of the commissioned papers will be available from UNRISD at the beginning of 2001. A collection of papers will also be brought together in an edited manuscript and/or a special issue of an academic journal.

58. The *United Nations Non-Governmental Liaison Service* continues to play a multifaceted role, including information outreach, strategic advice to the United Nations and non-governmental organizations, facilitating the participation of non-governmental organizations, organizing United Nations-non-

governmental organizations and other events, and participating in United Nations-non-governmental organization activities. Information outreach has been a major feature of the work of the Service in connection with the implementation of the Beijing Declaration and Platform for Action. The Service worked closely with UNIFEM to produce and disseminate to participating and other non-governmental organizations a publication, "Gender on the agenda: a guide to participating in Beijing +5", an update of a guide jointly produced for the Beijing Conference in 1995. In addition, the Service produced, published, disseminated and loaded onto its web site titles in its *Roundup* series, on the review process including "Preparations for Women 2000" (No. 51, May 2000) and "Women 2000: General Assembly special session" (No. 56, June 2000). Over 6,000 hard-copy versions were distributed to non-governmental organizations throughout the world with over 1,000 distributed to staff of United Nations entities, Member States, donor organizations and other development-related institutions.

59. The *International Labour Organization (ILO)* has extended its activities to implement the Platform for Action to other areas, in particular women and armed conflict, women and HIV/AIDS, social dialogue, and institutional and financial arrangements for gender mainstreaming. The International Labour Conference and the Governing Body have demonstrated enhanced commitment to gender equality concerns. An informal meeting at the ministerial level was held during the International Labour Conference in 1999 on the theme "Let's make gender equality a reality". At its 276th session in November 1999, the Governing Body decided to hold a special event on "Women 2000" during its 277th session. A one-day symposium on the theme "Decent work for women" was held in March 2000. It demonstrated the Governing Body's strong support for the preparations for the twenty-third special session of the General Assembly.

60. Within the framework of the new ILO gender policy, systematic efforts were being made and specific steps taken to mainstream gender into ILO technical cooperation activities, along with targeted interventions. For many targeted activities a holistic approach has been adopted, and they touch simultaneously on various critical areas of the Platform for Action. The first strategic budget of ILO for 2000-2001, and the report entitled "Decent work", submitted by the Director-General to the 87th International Labour Conference in 1999, identified gender as cutting across the four strategic objectives of the Organization. In the light of the strong commitment of the Director-General to gender equality, efforts were reinforced in the areas of structure, substance and representation. An internal circular on gender equality and mainstreaming in the International Labour Office was issued in December 1999 and the ILO Action Plan on gender mainstreaming for gender equality was approved for its implementation.

61. At the *ILO International Training Centre*, training, information, sensitization, sharing of experience, and exchange of models and best practice were the tools offered in the year 1999/2000 to respond to commitments taken by the international community in terms of active promotion of human rights, women's empowerment and gender equality. In the area of capacity-building, the International Training Centre along with ILO facilitated the implementation of a first series of capacity-building seminars on gender equality, poverty eradication and employment promotion in the Arab States, in Latin America and in Africa, and the adaptation of the modular training package in Spanish and in Arabic. The development of women's entrepreneurship was the objective of subregional or national programmes held in Albania, Cape Verde, the Lao People's Democratic Republic, Palestine, Romania, Viet Nam and at Turin, and involved partners from local training institutions, non-governmental organizations and associations acting in the development and microenterprise sector. In the area of institutional mechanisms for the advancement of women, two workshops were convened, aimed at reinforcing the institutional response to promote gender equality within the ILO itself. The Centre also arranged training activities on the promotion of women's status, information on the main international instruments (i.e., the Convention on the Elimination of Discrimination against Women) and the design of legislative instruments complying with International Labour Standards on equality of opportunities and the rights of women workers at the national level.

62. The *Food and Agriculture Organization of the United Nations (FAO)* has established an interdepartmental Committee on Women in Development. The main function of the Committee is to provide policy guidance and to facilitate coordination and decision-making on substantive and

operational matters relating to women in development. It monitored overall progress in implementing the FAO Plan of Action on Women in Development at headquarters and in the field. The Committee was supported by a network of gender focal points and core technical review groups within each technical division, and by the Women and Population Division at headquarters. In addition, the Plan of Action of the World Food Summit held in Rome, from 13 to 17 November 1996, reinforced the importance of gender mainstreaming in the work of FAO. FAO has directed particular attention to generating reliable, gender-responsive, statistical databases, and the preparation of the World Agricultural Census for 2000. The FAO socio-economic and gender analysis training initiative, initially undertaken in cooperation with United Nations and bilateral entities, has been developed for use in capacity-building for governmental and non-governmental personnel, consultants and experts. The aim of that initiative was to strengthen analytical and managerial methodologies and tools at the macro, intermediate and field levels, in order to facilitate the application of a gender dimension in policy and strategies formulation.

63. Efforts to sensitize FAO technical units and FAO member States on gender have been undertaken, such as the High-level Consultation on Rural Women and Information, held in Rome, from 4 to 6 October 1999. Divisions are increasingly recognizing the importance of this issue and some have started to compile and analyse sex-disaggregated data with the aim of providing guidance to policy makers in promoting gender-responsive programmes for agricultural and rural development. In order to improve the effectiveness of gender mainstreaming activities, many Divisions have developed, or are in the process of developing, gender-sensitive guidelines for specific topics and sectors. As part of the worldwide information campaign on rural women, the Women and Population Division of FAO launched a web site on gender and food security, and has provided technical papers, notes, commentaries, technical backstopping and training tools to enhance the capacity of regional country support teams and gender population and development advisers in gender mainstreaming.

64. The *World Food Programme (WFP)* distributed food aid to 58 million people, of which 63 per cent were women and girls. The total number of family beneficiaries was 89 million, 53 per cent of them women and girls. The WFP target, set at the Beijing Conference in 1995, was to give 80 per cent of food in emergencies to women. WFP also acknowledged the importance of ensuring that women had a role in management committees that decided where, when and how that food would be used. At present, WFP has reached a participation level of 40 per cent for women in 75 per cent of the countries in which it provides assistance.

65. Progress in reaching the goal of devoting one half of its resources for education to girls has been uneven. It has been envisaged that most WFP offices will reach the target by 2001. Strides have been made in promoting the education of girls using an innovative take-home rations programme. In the Islamic Republic of Iran, WFP provided Afghan refugees with a four-litre can of cooking oil to each girl who was in school for a full month. The average increase in school attendance of girls for all countries with active projects has been 50 per cent. The goal of WFP that food-for-work projects should directly benefit women and girls should be attained in 80 per cent of offices by the end of 2000, and WFP has been working on ensuring that assets created through these projects should also be directly helpful to women. WFP has mandated that all WFP country offices collect data on a sex-disaggregated basis for all activities. In some countries where there was an obvious gender gap, WFP field staff have completely refocused their programmes.

66. The *International Fund for Agricultural Development (IFAD)* implemented a three-year gender strengthening programme in eastern and southern Africa so as to equip project management units to address gender concerns during project implementation. This included training of project staff to analyse the socio-economic relationships within households and communities and how these dynamics affect the design and implementation of projects. In the western and central African region, a three-year, village-based, participatory action programme for gender research and learning was executed in selected countries. Training and village level analysis of gender were designed to increase the capacities of villages and project staff to undertake participatory appraisal activities, develop action plans, prepare gender guidelines for project designers and implementers, and follow up their results. In the Asian and Pacific region, a gender strategy was introduced that recognized the need for a variety of approaches, given the profound

differences in gender roles and relations among subregions. Workshops were held with cooperating institutions to develop guidelines that responded to those needs.

67. In the Latin American and Caribbean region, IFAD, together with its partners, launched a gender programme involving a number of workshops and field studies to develop gender-mainstreaming tools and manuals. As a follow-up, a technical assistance programme will be implemented to provide support to management teams for new projects, project staff, cooperating institutions and consultants in applying these tools and guidelines. In the Near East and North Africa Division, a three-year programme funded by a grant from IFAD was introduced in areas where gender mainstreaming needed to be enhanced. The programme involved project staff and borrower Governments and included research and training activities, the creation of guidelines and focused assistance to projects. A computerized database on gender and household food security was being developed to contain experience of and lessons learned by IFAD from projects, policy documents, studies and operational tools. A knowledge network was also being established to enhance the ability of IFAD to analyse field experiences and to incorporate efficiently lessons learned into the design and implementation of new projects.

68. The *General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO)*, at its 30th session held in Paris, from 26 October to 19 November 1999, underlined the importance of giving continued priority to women, girls and gender equality, as expressed in the organization's medium-term strategy for 1996-2001. The General Conference, in resolution 30C/R.47, authorized the Director-General to continue to promote gender mainstreaming and capacity-building activities in order to strengthen the active participation of women at all levels and in all fields of society, in line with the UNESCO Agenda for Gender Equality, adopted by the General Conference at its 28th session, and other relevant resolutions, and to strengthen cooperation among member States, inter-agency mechanisms, intergovernmental organizations and non-governmental organizations. By this action, UNESCO reconfirmed its previous commitments within the United Nations system, in particular, those regarding gender mainstreaming and the implementation of the system-wide medium-term plan for the advancement of women for the period 1996-2001, the Beijing Declaration and Platform for Action and its United Nations regional platforms for action, mobilizing wide support for the Convention on the Elimination of Discrimination against Women and the major United Nations conferences of recent date.

69. A UNESCO initiative invited media throughout the world to mark International Women's Day by encouraging the participation of women journalists at the highest levels of decision-making in media institutions. The overall aim was to help bring women into leadership positions, and also eliminate gender-biased stereotyping. UNESCO maintained its gender mainstreaming efforts through regular communication and exchange of information with its gender focal points at headquarters and in the field. This involved outreach, advocacy and the distribution of information and publications relating to women, girls and gender equality, participation in information exchange meetings and the efforts of the gender equality web site, and by continuing to facilitate and moderate the UNESCO "Priority-Gender" electronic discussion group.

70. The *International Civil Aviation Organization (ICAO)* continued its efforts to increase the representation of women at the national level, which was intended to help improve the recruitment and status of women in its secretariat. The ICAO Assembly noted that its Council would continue to monitor steps taken in the implementation of the targets and action plan on women which had been endorsed during the 31st session of the Assembly. Through its technical cooperation programme, ICAO further endeavoured to ensure that necessary attention was given to the participation of women in United Nations programmes for sustainable development by encouraging beneficiary contracting States to nominate more women for its fellowships programme.

71. The commitment of the World Health Organization (WHO) to support implementation of the Beijing Declaration and Platform for Action continues to be reflected in the organization's policy in the field of women's health and in action at both headquarters and in the field. Significant work has been carried out by WHO in 6 of the 12 critical areas of concern (poverty, access to health care information and services, violence against women, the effects of armed or other kinds of conflict on women, the human rights of women, persistent discrimination against and

violation of the rights of the girl child) and in connection with all five of the strategic objectives for women's health.

72. The renewed focus of the *World Bank* on poverty reduction as its primary mission and the broadened definition of poverty have facilitated the Bank's work on reducing gender disparities. Since 1995, the World Bank has made consultations with non-governmental organizations and civil society a priority in developing its country assistance strategies and special steps have been taken to include women's groups. Close to one half of the Bank's assistance strategies for member States now include actions designed to promote gender equality. The number of projects that address gender issues at the design stage has increased, with gender issues integrated into health, education and micro-finance, as well as agriculture, water and sanitation, energy, transportation, community development and legal reform. Project components on gender-based violence have been piloted. The Bank has loaned approximately US$ 3.4 billion for projects for the education of girls since the Beijing Conference. Over two thirds of World Bank lending in health, nutrition, and population programmes in low-income and middle-income countries have included gender-related goals, with particular emphasis on areas such as women's reproductive health and HIV/AIDS. A new policy research report on gender and development that examines how gender equality affects development, and which policies are most effective in promoting gender equality, will be published in the autumn of 2000.

73. The *International Monetary Fund (IMF)* has had both a direct and indirect impact on promoting the participation of women in power structures and decision-making through a range of training programmes for officials from member States, offered in a variety of locations. These courses are specifically aimed at future decision-makers, in particular in central banks and ministries of finance. During the past five years, women accounted for 29 per cent of the participants selected for courses at headquarters. At the Joint Vienna Institute, where participants are primarily from the countries of the former Union of Soviet Socialist Republics and other economies in transition, more than 50 per cent have been women. At the Singapore Institute and the Joint Africa Institute, where the participants in the training programmes are primarily from each region, women accounted for 32 per cent and 19 per cent of participants, respectively.

74. Major steps have been taken to mainstream diversity considerations into all of the human resource polices, programmes and practices of IMF. Since 1996, every department has been required to prepare a specific diversity action plan and report on progress in meeting diversity goals. Beginning in the year 2000, these action plans are to be incorporated into departmental human resource plans. New learning and training programmes have been developed on gender and cultural awareness, and management training and assessment programmes have been reviewed to ensure that they are gender sensitive and fair. Mentoring programmes are being made available for all new staff; specific mentoring was provided to women and to minorities at mid-career level. Performance assessments and promotion policies and procedures are monitored to ensure that they are gender neutral, and studies are conducted to analyse possible gender bias. Flexible working arrangements, including part-time work, work at home and compressed work schedules, and other initiatives to help staff better balance their work and private lives and to reduce stress, have been introduced; these are of particular value to young working parents, especially women, who often bear a disproportionate share of child-raising and family responsibilities. The participation of women in country mission teams has increased and the proportion of country missions led by women rose from 4 per cent in the early 1990s to close to 10 per cent at the end of the decade.

75. The activities of the *International Telecommunication Union (ITU)* in 1999/2000 included Telecom 99, in which a session on human resources addressed the issue of "Empowering women in the developing world", and an informal survey of participating organizations conducted to provide preliminary information on the situation of women in the telecommunications sector. For International Women's Day on 8 March 2000, ITU hosted a panel discussion on "Young women and telecommunications". In addition, ITU has launched a training programme on gender mainstreaming for ITU staff. Further, ITU sees the memorandum of understanding signed with UNIFEM and UNDP as identifying areas of cooperation to enable women to participate in, and benefit from, the current communications revolution. The annual report on

gender issues prepared for the meeting of the ITU Council in July 2000, endorsed the mandate of ITU in this regard and called for additional resources to be made available for gender issues in ITU.

76. A task force on gender issues was established by the ITU development sector, with the main projects under implementation being: a training curriculum to integrate a gender perspective in telecommunications policy to be run as part of development seminars or as sessions in training institutions and telecommunication entities; dissemination of a gender questionnaire as part of the annual survey to telecommunication regulators; feasibility studies in Ethiopia and the Niger with a view to creating pilot telecentres owned and operated by women; gender-sensitive training for trainers in a telecommunication training institution in Africa; capacity-building, in partnership with the Gender in Development Programme of UNDP for the task force steering committee members.

B. Means of implementation, including human and financial requirements

77. The Office for the Coordination of Humanitarian Affairs has established a gender budget of some US$ 60,000 and has designated two gender focal points, at Geneva and in New York, on a part-time basis. A focal point for women has recently been elected at the Office in New York.

78. At its twenty-eighth session, the Economic Commission for Latin America and the Caribbean adopted resolution 576 (XXVIII), on the follow-up to the Regional Programme of Action for Women of Latin America and the Caribbean, in which it recommended the increase of technical and financial resources at the national, international, regional and subregional levels, with a view to accelerate the attainment of gender equality.

79. The Women and Development Unit of the Social Development Issues and Policies Division of Economic and Social Commission for Western Asia continues to be staffed with three Professional staff members (one each at the P-5, P-4 and P-2 levels). Financial resources from the regular budget remain meagre. Limited extrabudgetary resources are being secured.

80. UNEP continues to re-focus the institutional arrangements for gender within the secretariat. A post of gender liaison officer (at the P-4 level) was established in the Division of Environmental Policy Development and Law. In formulating its programme plan and budget, UNEP pursues a process to ensure the incorporation of a gender perspective. All UNEP projects have to adhere to the UNEP Manual on Project Formulation, Approval, Monitoring and Evaluation, which contains gender criteria, and the gender focal point (at the D-1 level) participates in all important decision-making.

81. In its policies, programmes and in all matters related to staff, UNFPA fully adheres to and implements guidelines and policy statements issued by the United Nations, including specific guidelines entitled "Guidelines for UNFPA support for mainstreaming gender issues in population and development programmes". A gender focal point for the Fund was established, together with a gender theme group. Capacity-building and gender mainstreaming continues to be a goal at its headquarters, and at the regional and field levels.

82. WFP has made substantial headway towards reaching the United Nations goal of gender balance in staffing. After the Beijing Conference, that figure has climbed to 36 per cent for the highest management group. WFP total staffing for women in international posts is at present 34 per cent. Its managers are rated on their performance in reaching the goal of the Secretary-General of having 50 per cent female Professional staff in the United Nations. In the last quarter of 1999, WFP attained full parity in the hiring of women and men for the first time.

83. In April 2000, the United Nations Centre on Human Settlements combined its Women and Habitat Programme with the Gender Unit, with the broader unit having the responsibility for women and gender, norms and policies at the Centre. This ensured that the two policy goals, empowerment of women and gender mainstreaming, would become an integral part of the Centre's policy and normative operations.

84. At UNHCR, a new Senior Coordinator for Refugee Women and Gender Equality took up her post in April 2000.

85. The efforts of UNU at the operational level have brought about a slight increase in the participation of women in most aspects of its work. Especially noteworthy was the recent appointment of a woman to the directorship of the UNU/Institute for New Technologies.

86. FAO has undergone a significant process of restructuring to decentralize operations, which was instrumental to gender mainstreaming at the regional level. The decentralized structure includes a gender specialist assigned to each of the five regional offices of FAO, who each collaborate extensively with the decentralized divisions at the regional and sub-regional levels and are working directly with the FAO national offices. Furthermore, the decentralized structure facilitates the implementation of the Regional Women in Development Plan of Action and also national action plans.

87. The UNESCO reform programme includes a strategy to reduce the number of positions at the level of Director. At present, women constitute 40.9 per cent of the Professional category (66.7 per cent of the General Service) bringing UNESCO closer to the 50 per cent target set by the United Nations. The two governing bodies of UNESCO are well represented, with women chairing both the General Conference and the Executive Board.

88. During 1999, particular attention was given throughout WHO to advancing the integration of gender concerns into all aspects of both programming and management. This included, among other things, the work of an Organization-wide gender working group, as well as the recruitment of a Director of Women's Health and the organization of a Department of Women's Health to help focus and accelerate WHO work in this field.

89. The World Bank has made organizational changes to strengthen the focus on gender issues, including the creation of a Gender Sector Board to oversee the incorporation of gender into its work. The proportion of women on the Bank's staff has increased from 12 to 19 per cent in management and from 28 to 34 per cent in Professional positions.

90. IMF launched a major initiative to achieve greater diversity among Fund staff, by gender, nationality and geographical region. This followed the recommendations of two working groups established to examine the status of women in IMF, and the extent and source of any discrimination based on nationality, race, religion and other personal characteristics. To guide its new diversity effort, IMF created, at a very senior level, the position of Special Adviser on Diversity. The Advisor submits an annual report to the Managing Director, which is made available to all staff.

91. In 1999, ITU had twice as many women as men recruited at the Professional and higher level categories. Women now constitute 23 per cent of all staff in these categories, compared to 21 per cent in 1998.

IV. Conclusions

92. During the period under review, the United Nations system continued to follow up the Fourth World Conference on Women. The main priority still remains the mainstreaming of a gender perspective into programmes and policies, and there has been increased cooperation within the United Nations system and with other international organizations and non-governmental organizations regarding gender programmes. Aside from preparations for and participation in the twenty-third special session of the General Assembly, the United Nations entities continued existing programmes or implemented new activities to implement the Beijing Declaration and Platform for Action.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[2] Ibid., annex II.

[3] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 3* (A/55/3/Rev.1), chap. V.

[4] See E/2000/57, para. 33.

[5] General Assembly resolution 34/180, annex.

[6] *Official Records of the Economic and Social Council, 2000, Supplement No. 7* (E/2000/27).

[7] United Nations publication, Sales No. E.00.IV.6.

[8] Ibid., Sales No. E.00.IV.2.

[9] Ibid., Sales No. E.00.XVII.14.

[10] General Assembly resolution 48/104.

[11] *Official Records of the Economic and Social Council, 1999, Supplement No. 8* (E/1999/28/Rev.1), Part Two, chap. I.

United Nations A/55/294

General Assembly

Distr.: General
14 August 2000

Original: English

Fifty-fifth session
Item 116 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Iraq

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Iraq, prepared by Andreas Mavrommatis, Special Rapporteur of the Commission on Human Rights, in accordance with paragraph 4 of Commission resolution 2000/17 of 18 April 2000 and Economic and Social Council decision 2000/250.

* A/55/150.
** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 14 August 2000 so as to include as much updated information as possible.

00-60774 (E) 210900

Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq

I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq is contained in Commission resolution 1991/74 of 6 March 1991 and was extended most recently by Commission resolution 2000/17 of 18 April 2000. This report is submitted in accordance with paragraph 4 (a) of resolution 2000/17 and within the terms of reference of General Assembly resolution 54/178.

2. It was the intention of the Special Rapporteur to begin his activities by visiting Iraq so as to be able to study the situation of human rights in situ before consulting other sources of information. At the time of writing the Government of Iraq had not yet extended the Special Rapporteur an invitation to visit the country. Pending a reply to the request to visit Iraq and in view of the aforementioned, actual consideration of allegations of human rights violations could not start before May 2000. This forced the Special Rapporteur to plan, within a short period of time, a number of trips to other countries, such as Jordan, the Islamic Republic of Iran, Kuwait and the United Kingdom of Great Britain and Northern Ireland in order to discharge his mandate. Some of these visits did not materialize, owing mainly to time constraints. The new deadline for the submission of the present report to the General Assembly prevented the Special Rapporteur from completing his programme of engagements.

3. The Special Rapporteur deemed it essential to provide the Government of Iraq with the opportunity to comment on the allegations of human rights violations brought to his attention. To this effect, pending a reply to the request to be granted permission to visit Iraq the Special Rapporteur held a series of formal and informal meetings with representatives of the Government of Iraq in Geneva and submitted questions in writing to the Government.

4. During the last working meeting, held on 16 July 2000, the representatives of Iraq made general observations and gave oral replies concerning a number of alleged violations of human rights which had earlier been communicated to the Government through its Permanent Mission at Geneva. The representatives of the Government of Iraq reserved the right to submit written replies at a later stage. When discussing specific allegations of, inter alia, violations, the necessity of a visit to the country in order to verify the truthfulness of the accounts received was obvious to the Special Rapporteur, as it must also have been to his Iraqi interlocutors.

II. Methodology

5. The present interim report covers the period from 20 September 1999 to 20 June 2000 and is to be read in conjunction with the report of the Special Rapporteur to the Commission on Human Rights (E/CN.4/2000/37).

6. In view of the fact that past human rights violations were reported and analysed by the previous Special Rapporteur and examined by both the Commission and the General Assembly, the present report focuses on serious and large-scale violations of human rights that have allegedly occurred during the reporting period and on past violations with continuing effects, with a view to coming to conclusions as to whether the situation of human rights in Iraq remains the same or whether there has been any improvement or deterioration.

7. The Special Rapporteur travelled to Kuwait from 29 June to 3 July and to London from 11 to 15 July. During these missions, as well as whenever an opportunity presented itself, such as during the fifty-sixth session of the Commission on Human Rights and the seventh annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, the Special Rapporteur interviewed men and women who had recently fled from Iraq and members of the organized opposition groups.

8. The Special Rapporteur received a number of written allegations as well as reports and information on the situation of human rights in Iraq from a variety of sources, including individuals, Iraqi opposition groups, Governments, and United Nations agencies and programmes.

9. In considering allegations of violations of human rights by the Government of Iraq, the Special Rapporteur requested such details and other corroborative evidence as would not only permit proper evaluation, but also, when transmitted to the Government of Iraq, preclude a general or evasive reply. In line with the aforesaid modus operandi, conclusions concerning allegations that were not supported by the necessary details will have to be drawn at a later stage, pending the receipt of the necessary additional facts from the alleged victims and/or his/her representative(s) and the replies, if any, from the Government of Iraq.

10. Another difficulty connected with the verification of the allegations received by the Special Rapporteur is the fact that in the vast majority of cases they were submitted by Iraqis who had sought refuge outside Iraq and who did not want names and other details that might reveal their identity to be given to the Government of Iraq because of fear of reprisals against their families.

11. At the time of writing the present report, the Government of Iraq had provided incomplete replies to a small number of cases while no replies were provided to most of the specific allegations submitted by the Special Rapporteur. It must be said that the deadline established for reply, which for reasons explained in the introduction had to be rather brief, had not or had just elapsed. During the last working meeting, the Special Rapporteur was reassured that the Government of Iraq would give due consideration to the information received.

III. Findings

A. Right to life

12. It appears that executions continued unabated during the period covered by the report. The Special Rapporteur received information that on 3 February 2000, 21 male prisoners were executed at Abu Gharib prison. Allegedly, 43 other male prisoners were executed at the same location on 12 February 2000, of whom 30 were accused of theft, 2 of drug trafficking and 11 of affiliation with the political opposition. Allegedly, the remains of the executed political offenders were buried at an unknown location in Baghdad. According to the same source, on 9 March 2000, 58 male prisoners who had been held in solitary confinement at Abu Gharib prison were executed. The bodies of 44 prisoners who had been charged with "criminal offences" were handed over to their families, while the bodies of 14 political prisoners were buried during the night. Reportedly, many of these prisoners were originally detained for opposition to the ruling party, but were later convicted of criminal charges and sentenced to death.

13. Unfortunately, the information supplied to the Special Rapporteur was not always detailed enough to enable him to draw conclusions as to whether the reported executions violated Iraq's international obligations under articles 6 and 14 of the International Covenant on Civil and Political Rights, which provide respectively for the limitation of the death sentence to the most serious crimes and for the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

14. The names of the prisoners allegedly executed, the date of the alleged execution and a general description of the crimes, were submitted to the Government on 22 May 2000 with a request for clarification and details, including the relevant part of the record of the legal proceedings and whether convictions and sentences were reviewed on appeal. Furthermore, the Special Rapporteur asked for information on the whereabouts of the mortal remains of those whose bodies allegedly were not handed over to the families. The Government of Iraq has not as yet provided replies to these cases, explaining that the task was complicated and time consuming and insufficient time was given to respond in writing.

15. During the last meeting with the Permanent Representative of Iraq, the Special Rapporteur requested the Government of Iraq to supply him with the text of the criminal code, as well as any other law or regulation that provides for the death penalty, and the text of the criminal procedure law. The request was made with a view to engaging the Government in a dialogue on the possibility of at least reducing the numbers of crimes that carry the death penalty and ensuring the fairness of criminal trials.

16. It appears from information received by several sources that during the reporting period the Government of Iraq was allegedly involved in staged car accidents resulting in the deaths of prominent religious or other local leaders and/or members of their

families, as well as of members of the regime and individuals suspected of belonging to the opposition. Some of these incidents led to riots resulting in further loss of life. Many of these incidents followed threats and intimidation of the victims in connection with their political or religious activities. It appears that these allegations were not properly or at all investigated by the Government, whose reply to these allegations is still pending.

17. One such case was the case of the killing of Ayatollah Sadeq al-Sadr and his two sons on 19 February 1999. According to information received, during a peaceful demonstration that followed the events described above, security forces fired into the crowd of protesters allegedly killing hundreds civilians, including women and children. This allegation was brought to the attention of the Government which promised to provide the Special Rapporteur with a detailed reply in the very near future. More recent information, not as yet transmitted to the Government, referred to 30 theology students arrested following the events having been very recently executed. No names were given, however.

18. The Special Rapporteur also received information that government forces were involved in sometimes lethal attacks against the lives of men and women suspected of belonging to the opposition or against members of their families. Such attacks were blamed by the authorities on criminal gangs. The Special Rapporteur met with an Iraqi citizen who testified on condition of anonymity that he had been shot at 12 times by the security forces without any warning and left for dead in the street. In another instance the mother of a prominent member of the opposition living outside Iraq was found shot dead following threats and after being arrested and obliged to call her son and ask him to stop his political activities abroad.

19. The Government of Iraq does not deny that numerous executions were carried out in the reporting period, but alleges that these were necessitated by the extraordinarily dangerous situation, the upsurge of crime and the considerable number of subversive acts.

20. The Special Rapporteur did receive certain information from several sources regarding continued attacks against Iraqi security forces and government officials, sometimes resulting in the deaths of the targeted individuals. However, the Special Rapporteur is of the opinion that Iraq continues to be in violation of its obligations under the International Covenant on Civil and Political Rights, if only because of the sheer number of executions that are taking place and what appear to be extrajudicial executions on political grounds and in the absence of a due process of law.

21. Also connected with the right to life are cases of disappearances. Although the Special Rapporteur did not receive specific allegations regarding recent disappearances, there have not yet been replies in respect of past cases. The Special Rapporteur related to the Government the case of 106 students of religion in al-Najaf who were detained for a short period of time after the arrest of Ayatollah Abu al-Quassem al-Kho'i on 20 March 1991 and whose whereabouts are still unknown. Another case of disappearance which was brought to the attention of the Special Rapporteur was that of two brothers who were arrested in 1982 during a campaign of expulsion of Iraqi citizens of Iranian origin to the Islamic Republic of Iran. The two brothers were last seen in prison in 1985.

22. With regard to both the above-mentioned cases, the Special Rapporteur requested the Government to make inquiries into the whereabouts of the disappeared and, in case they are detained, to communicate the charges against them and the current status of the legal proceedings, if any.

23. The Special Rapporteur awaits the detailed replies of the Government on these allegations and shall revert to them, as well as to other violations in respect of which replies are pending, in his next report to the Commission on Human Rights.

B. Arbitrary arrest and detention and due process of law

24. From testimonies and accounts related to the Special Rapporteur, it appears that the Government of Iraq continues not to respect its obligations under articles 9 and 14 of the International Covenant on Civil and Political Rights. Men, women and minors continue to be arrested and detained on suspicion of political or religious activities, or simply because of family ties with members of the opposition. Allegedly, men and women continue to be detained for long periods of time without charges being brought against them and without having access to a lawyer. The families of the arrested are not always informed of their whereabouts and of the status of legal proceedings against them.

Young children are allegedly detained with their mothers.

25. There is also information to the effect that trials are not public and defence attorneys are either not present or are nominated pro forma but do not take any effective action during the proceedings. The Special Rapporteur was told of a case where the defendant was told that if he remained silent during the trial he would be acquitted; this individual was tried after being released from six months' detention, on charges that had nothing to do with the matters about which he had been repeatedly questioned. In another instance the defendant was allegedly sentenced to death in absentia. Sentences pronounced by Revolutionary Courts appear not to be subject to appeal or review.

26. The Special Rapporteur intends to study this subject further, including by reviewing the criminal and civil procedure codes and other laws that the Government promised to make available and by continuing to interview victims and witnesses. The Special Rapporteur shall revert to this issue in the next report to the Commission on Human Rights.

C. Torture and ill-treatment

27. It appears that torture and ill-treatment of men and women continue to occur in Iraq. The Special Rapporteur received information to the effect that suspects, including members of the opposition and their collaborators and/or relatives, are subjected to ill-treatment and torture during questioning and in detention by members of the Iraqi forces and intelligence service. Means of torture allegedly include electric shocks, suspension by the hands, beatings, rape and sexual abuse of both men and women, threats and psychological pressure.

28. Prison conditions appear to be grave. Allegedly private houses as well as public building are used as detention facilities. Prisons, especially in Baghdad, are seriously overcrowded and prisoners are reportedly regularly beaten and, in the case of female detainees, raped. Juvenile offenders are kept together with adults. The Special Rapporteur was informed that in two different detention facilities in Baghdad prisoners are kept locked in metal boxes as big as coffins which are opened only 30 minutes a day.

29. None of the individuals who were victims of such treatment and who were interviewed by the Special Rapporteur agreed to have their names and cases related to the Government for investigation and clarification because of fear of retaliation. The Special Rapporteur shall seek more information on the above and revert to this issue in the next report to the Commission on Human Rights. It is also to be hoped that by visiting Iraq, and also by receiving complete and reasoned replies from its Government on each case, the Special Rapporteur would be able to arrive at appropriate conclusions, which the Special Rapporteur may have to do even in the absence of such full cooperation.

D. The fate of Kuwaitis unaccounted for since Iraq's occupation of Kuwait

30. The Special Rapporteur, accompanied by a staff member from the Office of the High Commissioner for Human Rights and an interpreter, visited Kuwait from 29 June to 3 July 2000. The visit followed a series of meetings held in Geneva with the Permanent Representative of Kuwait and other Kuwaiti government officials, as well as with officers of the International Committee of the Red Cross, that had as their main objective the examination of the situation of Kuwaiti prisoners of war and detainees still unaccounted for, in accordance with the terms of Commission resolution 1992/71 and subsequent relevant resolutions.

31. The Government of Kuwait extended to the Special Rapporteur and his team its full cooperation, including absolute freedom to visit any prisons and/or detention centres they might wish to have access to.

32. The Special Rapporteur met with the families of some of the Kuwaiti prisoners of war and detainees still unaccounted for, the Chairman of the National Assembly, the First Deputy Prime Minister and Minister for Foreign Affairs, the Deputy Prime Minister and Minister of Defence, the Minister of the Interior, members of the Parliamentary Human Rights Committee, members of the National Committee for the Missing and Prisoners of War Affairs, the Director and other members of the Centre for Research and Studies of Kuwait, the Director and members of the Kuwait Martyrs Bureau, the President of the Kuwaiti Red Crescent Society, and others.

33. During the above-mentioned meetings it was repeatedly stressed that the Tripartite Commission and its Technical Subcommittee were the most effective mechanism to deal with the issue of Kuwaiti prisoners of war still unaccounted for, provided that there existed the necessary political will on the part of all parties concerned. The Special Rapporteur believes that his task is to do everything possible to assist these bodies in discharging their mandate and he made this clear to all concerned. It should be recalled that the Tripartite Commission was created in March 1991, pursuant to Security Council resolutions 686 (1991) and 687 (1991).

34. The Special Rapporteur, together with members of the National Committee for the Missing and Prisoners of War Affairs, went through some of the 605 individual files compiled by the Committee. A wrap-up session was later held in Geneva. This exercise was undertaken with a view to drawing conclusions as to whether sufficient data are included in the files to permit deductions or call for further investigations.

35. It is worth noting that the Government of Kuwait has devoted extraordinary efforts and resources to the cause of its prisoners of war and detainees still unaccounted for and has done everything in its power to alleviate the suffering of their families by relentlessly pursuing the investigation of their fate and/or whereabouts and by fully cooperating with its counterparts, within the international framework and on a bilateral basis.

36. It is the opinion of the Special Rapporteur that enough material was produced to support the Kuwaiti claim that the Government of Iraq is in a position to clarify the fate and/or whereabouts of Kuwaitis unaccounted for.

37. The Special Rapporteur related his views and findings to the Government of Iraq during the meeting held on 16 July. It was stressed that the Government of Iraq, as a consequence of the bombing, does not intend to participate in the meetings of the mechanisms chaired by ICRC as long as the United Kingdom of Great Britain and Northern Ireland and the United States of America also take part. However, it was also stated that Iraq is willing to extend its cooperation to ICRC and to have bilateral meetings with representatives of Kuwait.

38. During the meeting, the Special Rapporteur expressed the view that an unjustifiably long time had elapsed since the files were submitted to the Government of Iraq and that general replies, which ended normally with the claim that the Kuwaiti prisoners of war had last been seen in south Iraq at the time of the uprising, could not be considered satisfactory and that an effort should be made to investigate the events during and immediately after the end of the uprising and to give more complete answers. The Special Rapporteur also stressed that the testimonies alleging that Kuwaiti prisoners of war had been seen after the uprising in places other than the south should not be dismissed with sweeping statements that the witnesses are lying, but investigations of the records of the alleged places of detentions, as well as interviews with personnel of the detention centres at the time when the prisoners of war were allegedly seen, should be carried out and the results made available.

39. The Special Rapporteur is of the opinion that the question of the missing Kuwaitis and Kuwaiti prisoners of war and detainees is a purely humanitarian question and that no reason, political or other, could justify delaying or obstructing the task of the Tripartite Commission and its Technical Subcommittee. What appears to be lacking is the necessary political will on the part of the Iraqi authorities to participate in the work and to examine speedily and effectively each and every case before the Commission.

40. It should be noted that the Security Council, in its resolution 1284 (1999), reiterated the obligation of Iraq, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of resolution 687 (1991), to extend all necessary cooperation to the International Committee of the Red Cross, and called upon the Government of Iraq to resume cooperation with the Tripartite Commission and Technical Subcommittee established to facilitate work on this issue.

E. The fate of the Iraqis unaccounted for since Iraq's invasion of Kuwait

41. The Government of Iraq alleges that there are 1,250 missing Iraqi citizens in respect of whom there exists evidence to the effect that they were seen alive in Kuwait after the war had ended. The Government of

Kuwait dismissed these allegations as "mere afterthoughts".

42. The Special Rapporteur asked the representatives of Iraq to provide him with more detailed information and evidence supporting this claim. The Special Rapporteur proposes to make such information available to the Government of Kuwait, which stressed that the Special Rapporteur would be guaranteed access to any place of detention in the country at any time without any restrictions.

43. It appears that the Government of Kuwait has officially received, through ICRC, a total of 660 files, 592 of which were to be considered under the second stage.

F. Harassment and threats against Iraqi opposition members and members of their families

44. The most disturbing of the recent complaints related to the Special Rapporteur concerns harassment, intimidation and threats against the families of Iraqi opposition members residing abroad to induce them to stop their activities. Although this practice existed in the past, as previous reports indicated, it allegedly has become much more prevalent. Allegations include the rounding-up and arrest of family members, as well as attempts by officials of the security forces to extort money from the families in exchange for putting an end to harassment and helping them to flee the country.

45. A case that illustrates the above-mentioned allegations is that of General Njeeb Alsalhi, a senior officer in the Iraqi Army who left the country in 1995 and now resides in Jordan where he is an active member of the Iraqi opposition. Since he left Iraq, his male and female relatives in Iraq have been subjected to arrests, questioning and other forms of harassment. His brother was forced to travel twice to Jordan to try and persuade him to return to Iraq. General Alsalhi reported that on 7 June 2000 he received a telephone call from Baghdad and was told to go and collect a "gift" from a store in Amman. This consisted of a video tape showing the rape of a female family member. Ten days later he reportedly received a call from the Iraqi Intelligence Service. He was asked if he had received the gift and was told that one of his female family members was in the hands of Iraqi Intelligence. He was then again urged to stop his activities. General Alsalhi, during an interview with the Special Rapporteur, stated that he is willing to surrender the video tape only at the trial of a top Iraqi government official. The case was brought to the attention of the Government which denied the allegations and promised a formal reply later.

46. During the visit to London the Special Rapporteur was told of other cases of a similar nature where the video taped rape of a female family member was used to take advantage of the stigma which is attached to sexual molestation in Iraqi traditional society to silence members of the opposition. This means of intimidation is reportedly very effective as such incidents are normally not reported for fear of negative repercussions on the victim and her family. Rape is considered a dishonour affecting the whole family and, in extreme cases, the victim might be killed by the family itself in order to wipe out the stigma.

47. The Special Rapporteur is also very concerned about what appears to be a practice of targeting the families of those opposing or suspected of opposing the regime. The Special Rapporteur interviewed Iraqi women who reported that after their husbands or male relatives were arrested, or executed, or went into hiding out of fear of persecution, they experienced several forms of abuse and intimidation, ranging from the withdrawal of the ration card through which medicines and food are made available to the population, to cuts in electric power supplies, to expropriation of property, frequent house searches and questioning, arrest and threats. Women and children are affected the most by these practices.

48. These allegations were brought for the first time to the attention of the Government of Iraq on 16 July, immediately after the Special Rapporteur's visit to London. The seriousness of the allegations was stressed as well as the necessity for complete and well-documented replies and thorough investigation of the claims. Again, pending the Government's reaction, the Special Rapporteur cannot but express his concern and reiterate his call to the Government to take stern measures to put an end to such occurrences which violate not only the freedom of expression and opinion as established in article 19 of the International Covenant on Civil and Political Rights, but also often entail the most serious forms of the universal crime of torture.

G. Mass relocations and relocation of non-Arabs and Arabization of areas from which they are expelled

49. The former Special Rapporteur, Max van der Stoel, reported in detail on instances of forced relocations of non-Arabs and Arabization of certain areas of Iraq. Therefore, the task of the Special Rapporteur was to see whether and to what extent such practice continued. During the Special Rapporteur's mission to London such allegations were made by leaders of all political groups of the northern Kurdish governorates, which are not under the control of the Government of Iraq, as well as by a variety of other sources.

50. Allegations refer to the fact that non-Arab residents of the Kirkuk area — especially Kurds, Turkomen and Assyrians — are driven from their homes by the Government through the use of different means. On the one hand, the policy of "Arabization" is reported to be continuing and the Government reportedly maintains in force measures to that effect, such as the provision of grants and other incentives to Arabs to move to the Kirkuk area and legal impediments to the possession and transfer of property by non-Arabs. On the other hand, forced deportations of non-Arab families living in the Kirkuk area and confiscation of their property are also reported to continue on a large scale. Allegedly, those who refused to comply with the order to leave their homes are subjected to intimidation, arrest, economic hardship through the revocation of ration cards and, eventually, forced expulsion. Allegedly, no compensation is provided for the loss of property. The allegations are serious and the following figures were provided in respect of the number of families forced to leave the area: 13,367 families from 1991 to 1993; 112 in 1994; 395 in 1995; 282 in 1996; 710 in 1997; 394 in 1998; 449 in 1999; and 155 in 2000 (as of 4 June). The total number of individuals who were forced to leave Kirkuk since 1991 reportedly amounts to 94,026.

51. The Special Rapporteur asked those alleging the above to supply him with a list of the families who left the Kirkuk area, containing names, addresses, circumstances and date of departure from Kirkuk, copy or mention of any legal documents invoked or served on them, and information on circumstances connected with their relocation, as well as information as to who moved into their abandoned residences.

52. The above allegations were related to the representative of the Government of Iraq during the of 16 July meeting. The seriousness of the allegations was stressed. The representative of the Government of Iraq denied the allegations and pointed to the huge number of Kurds and non-Arabs remaining in Government-controlled areas. The representative of Iraq asked for details so as to be able to reply in respect of each case. The Special Rapporteur will forward such details as soon as they are received.

H. Political rights

53. Allegations and information regarding violations related under the preceding sections of the report also cover serious allegations of violations of political rights through systematic repression taking the form of intimidation, arrest, torture and even death. The Special Rapporteur shall deal more extensively with political rights and shall also deal with the need to introduce such constitutional and other changes as would be consistent with Iraq's obligations under the International Covenant on Civil and Political Rights.

54. It should be noted that Iraq did attempt to deal with this issue by establishing the necessary processes before the Gulf war. It is now high time they deal seriously with this problem again.

I. Humanitarian issues

55. The Special Rapporteur has felt from the beginning that, although humanitarian issues are not strictu sensu within his mandate, they could not be brushed aside or ignored when dealing with violations of not only the right to life, but also of rights under the International Covenant on Economic, Social and Cultural Rights. The Special Rapporteur also wishes to stress that the relevant Security Council resolutions are binding on the Government of Iraq, as well as on all other countries, and should be implemented.

56. As a result, the Special Rapporteur held a series of meetings in New York with members of the Security Council, as well as with the Executive Director of the Iraq Programme, the Secretary-General of the United Nations, and heads of departments dealing with humanitarian issues. The contacts with the members of the Security Council and other Governments were continued, in particular with the representatives of the

Governments of Iraq, France, Kuwait, the United States of America and the United Kingdom.

57. The Special Rapporteur has also been closely following developments in this field through the periodic reports of the Secretary-General to the Security Council, as well as through reports of United Nations bodies and specialized agencies such as the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) and information provided by, inter alia, the above-mentioned Governments.

58. It appears that although the humanitarian situation remains serious, as a result of resolution 1284 (1999) and the increased price of oil, more money is now available under the oil-for-food programme and a marked improvement has been observed in respect of food and medicines. It also appears that there were improvements in respect of purchases connected with infrastructure, such as water, electricity, sewerage and the repair of the oil production plants. The Special Rapporteur was also informed that the number of contracts on hold has dropped since his last report to the Commission.

59. With respect to the availability of medicaments, the Special Rapporteur received information that the Government of Iraq is directing more medicines to hospitals for the privileged officials and stockpiling medicaments for use in a war emergency. As reported above, the Special Rapporteur was also informed that the ration card system is used by the Government as a means of pressure and intimidation. There is also information to the effect that the Government of Iraq can today afford to spend more money out of its budget on food and medicines rather than on other non-essential projects.

60. These allegations were brought to the attention of the Government during the 16 July meeting, together with the observation that, in respect of medications and food supplies, the situation appeared to be much better in the northern governorates. Another allegation which was received by the Special Rapporteur and related to the Government was that infant and maternal mortality rates were exaggerated by the Government for propaganda purposes.

61. The representatives of Iraq vehemently denied those allegations and referred to mortality and morbidity rates reported by United Nations specialized agencies as well as by the Secretary-General. On the question of the situation in the northern governorates, it was stressed by the Government representative that for political and other reasons that area received considerable international assistance and that imported as well as smuggled goods were available all the time in huge quantities. The Permanent Representative of Iraq also made extensive reference to the long-term effects of the embargo, particularly on health and education.

62. The Special Rapporteur is of the opinion that although the situation has improved, the humanitarian concerns should be kept under constant review and necessary adjustments should continue to be made. In this respect the Special Rapporteur believes that an increase in the number of monitors under the oil-for-food programme would help ensure that the positive effects of the above-mentioned developments reach the totality of the population of Iraq and that imports of goods are used exclusively for approved purposes.

63. The Special Rapporteur is also of the opinion that the Government of Iraq should, in accordance with its obligation under article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, take more steps to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized by that Covenant.

IV. Recommendations

64. Pending further consultation with the Government and verification of the allegations received, as well as further analysis of specific issues, the Special Rapporteur reserves the right to make fuller recommendations in the report to be submitted to the Commission on Human Rights.

65. The Special Rapporteur urges the Government of Iraq to review and revise laws permitting the imposition of the death sentence and, pending the conclusion of such process, to consider a moratorium on executions.

66. The Special Rapporteur, in view of the humanitarian nature of the question of the missing and prisoners of war, calls upon the Government to rejoin the work of the Tripartite Commission and the Technical Subcommittee and to conduct thorough examinations of the individual files submitted by the Government of Kuwait.

67. The Special Rapporteur urges the Government of Iraq to put an end to the harassment of families of people engaged in opposition activities abroad as well as to practices against the families of wanted or arrested Iraqi citizens and the widows and children of those executed.

68. The Special Rapporteur calls upon the Government of Iraq to ensure that no forced relocations of any citizens takes place and that all submitted allegations to the contrary be investigated and the results presented to the Special Rapporteur.

69. The Special Rapporteur urges the Government of Iraq to put an end to unlawful practices of arrest and torture and to consider becoming a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

70. The Special Rapporteur invites the Government of Iraq to begin introducing democratic and political freedoms in accordance with its obligations under the International Covenant on Civil and Political Rights.

71. The Special Rapporteur urges the Government of Iraq to accept and comply with the terms of all Security Council resolutions and in particular resolution 1284 (1999), in order that it might alleviate the suffering of the Iraqi people.

72. The Special Rapporteur wishes to reiterate what he stated at the last session of the Commission on Human Rights: nothing can justify serious violations of human rights and fundamental freedoms.

United Nations A/55/295

General Assembly

Distr.: General
11 August 2000

Original: English

Fifty-fifth session
Item 165 of the provisional agenda*
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General**

Contents

		Paragraphs	Page
I.	Introduction	1–2	2
II.	Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions	3–11	3
III.	Review of the capacity and modalities of the Secretariat for implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions	12–15	5
IV.	Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions	16–21	5
V.	Recent developments related to the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in the area of assistance to third States affected by the application of sanctions	22–27	6

* A/55/150.
** The present report contains responses received as of 7 August 2000.

00-60782 (E) 260900

I. Introduction

1. At its fifty-fourth session, the General Assembly adopted without a vote resolution 54/107 of 9 December 1999, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions". In the resolution, the General Assembly, inter alia:

(a) Renewed its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

(b) Welcomed once again the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 of 11 December 1995, most recently the note by the President of the Security Council of 29 January 1999 (S/1999/92), aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of the sanctions committees, invited the Council to implement those measures, and strongly recommended that the Council continue its efforts to further enhance the functioning of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

(c) Requested the Secretary-General to pursue the implementation of General Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997 and 53/107 of 8 December 1998 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

(d) Welcomed the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States (A/53/312), and invited States and relevant international organizations within and outside the United Nations system which had not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

(e) Requested the Secretary-General to present to the General Assembly his views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, and to provide the relevant information, where appropriate, on other developments in that context, particularly on the work of the sanctions committees as referred to in the above-mentioned note by the President of the Security Council;

(f) Reaffirmed the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

(g) Took note of the decision of the Economic and Social Council, in its resolution 1999/59 of 30 July 1999, to continue consideration of the question of assistance to third States affected by the application of sanctions, and decided to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions

(A/54/383) to the Council at its substantive session of 2000;

(h) Invited the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for that purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

(i) Requested the Secretary-General to submit a report on the implementation of the resolution to the General Assembly at its fifty-fifth session.

2. The present report has been prepared in response to the above request.

II. Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions

3. By a note dated 14 March 2000 (S/2000/213), the Secretary-General drew the attention of the members of the Security Council to General Assembly resolution 54/107, in particular to paragraphs 1 and 2 thereof (see para. 1 (a) and (b) above).

4. In paragraph 5 of General Assembly resolution 54/107 (see para. 1 (e) above), the Secretary-General was requested to provide the relevant information on the work of the sanctions committees as referred to in the 29 January 1999 note of the President of the Security Council (S/1999/92). The note stated that all members of the Security Council had indicated their agreement that the practical proposals contained therein would be used to improve the work of the sanctions committees in accordance with the resolutions concerned. In particular, paragraphs 1, 2, 7, 9 and 10 of the note are of relevance to the issue of assistance to third States affected by the application of sanctions.

5. Since the issuance of the note by the President of the Security Council, the sanctions committees and the Secretariat have initiated steps to implement practical proposals included in the note. For example, some of the committees concerned with arms embargoes and other sanctions regimes in Africa have established arrangements and channels of communication with regional and subregional organizations as well as organizations and bodies of the United Nations system. In addition, other committees have considered ways to enhance the effectiveness of exemptions to sanctions regimes on religious grounds and to improve arrangements in this regard. Further, in an effort to improve the technical effectiveness of the mandatory measures, expert panels have been established with a mandate to collect information on the sources and methods of violations of the sanctions regime and to recommend measures to end those violations and to improve the implementation of the sanctions. The committees have also improved the transparency of their work through substantive and detailed briefings by the chairpersons. Moreover, the Secretariat has taken steps to ensure that summary records of the formal meetings of the committees are made available in a more timely manner.

6. In keeping with the recommendation contained in the note that the chairpersons of the sanctions committees should visit the regions concerned, as appropriate, in order to obtain first-hand accounts of the impact of sanctions regimes, three such visits were made by the chairpersons of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola and the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, and similar visits are planned by the chairpersons of other sanctions committees. The Chairperson of the Security Council Committee established pursuant to resolution 1160 (1998) also visited Kosovo, Federal Republic of Yugoslavia, as a member of the Security Council mission.

7. To assess the technical effectiveness of the mandatory measures, with regard to the situation in Angola, the Security Council, in its resolution 1237 (1999), established expert panels to investigate reported violations of measures it had imposed against

the União Nacional para a Independência Total de Angola (UNITA), including violations involving arms trafficking, oil supplies and the diamond trade, as well as the movement of UNITA funds. In addition, acting under Chapter VII of the Charter of the United Nations, the Council decided that the expert panels, through visits to the countries concerned, would also identify parties aiding and abetting those violations and recommend measures to end such violations and to improve the implementation of the measures imposed against UNITA. On 10 March 2000, the Chairman of the Angola Sanctions Committee transmitted to the Security Council the report of the Panel of Experts on violations of Security Council sanctions against UNITA (S/2000/203).

8. On 18 April 2000, the Security Council, in its resolution 1295 (2000), having noted the conclusions and recommendations of the Panel of Experts, requested the Secretary-General to establish a monitoring mechanism composed of up to five experts, for a period of six months from its effective entry into operation, to collect additional relevant information and investigate relevant leads relating to any allegations of violations of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998) concerning the situation in Angola, including any relevant leads initiated by the Panel of Experts, including through visits to relevant countries, and to report periodically to the Angola Sanctions Committee, including providing a written report by 18 October 2000, with a view to improving the implementation of the measures imposed against UNITA. The Council further requested the Secretary-General, acting in consultation with the Committee, to appoint experts to serve on the monitoring mechanism. Following consultations with the Committee, the Secretary-General on 11 July 2000 appointed five experts to serve on the monitoring mechanism.

9. On 5 July 2000, in its resolution 1306 (2000) (para. 12), the Security Council requested the Sierra Leone Sanctions Committee to hold an exploratory hearing in New York to assess the role of diamonds in the Sierra Leone conflict and the link between trade in Sierra Leone diamonds and trade in arms and related materiel in violation of resolution 1171 (1998), involving representatives of interested States and regional organizations, the diamond industry and other relevant experts. The exploratory hearing was held on 31 July and 1 August 2000. Also in resolution 1306 (2000) (para. 19), the Council requested the Secretary-General, in consultation with the Committee, to establish a panel of experts, for an initial period of four months, consisting of no more than five members: (a) to collect information on possible violations of the measures imposed by paragraph 2 of resolution 1171 (1998) and the link between trade in diamonds and trade in arms and related materiel; (b) to consider the adequacy of air traffic control systems in the region; (c) to participate, if possible, in the exploratory hearing; and (d) to report to the Council no later than 31 October 2000. The panel was established by the Secretary-General on 2 August 2000 (S/2000/756).

10. As described in the note by the President of the Security Council dated 17 April 2000 (S/2000/319), the members of the Security Council decided to establish an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions, and to report its findings to the Council by 30 November 2000. The working group is to examine, inter alia, the following issues in all aspects with a view to improving the effectiveness of sanctions: (a) working methods of sanctions committees and inter-committee coordination; (b) capacity of the United Nations Secretariat; (c) coordination within the United Nations system and cooperation with regional and other international organizations; (d) design of sanctions resolutions, including the conditions for the maintaining/lifting of sanctions; (e) pre- and post-assessment reports and the ongoing evaluation of sanctions regimes; (f) monitoring and enforcement of sanctions; (g) unintended impacts of sanctions; (h) humanitarian exemptions; (i) targeted sanctions; (j) assisting Member States in implementing sanctions; (k) implementation of the recommendations contained in the 29 January 1999 note by the President of the Council (see para. 4 above).

11. In addition, the Secretariat continues to encourage and to provide substantive support to ongoing efforts to facilitate the design of sanctions imposed by the Security Council which are more effective and less blunt. The Interlaken expert meetings, sponsored by Switzerland; the London conference, sponsored by the Overseas Development Institute (ODI), United Kingdom of Great Britain and Northern Ireland; the expert meeting sponsored by the International Peace Academy with support from Canada; as well as the ongoing Bonn/Berlin process for

designing more effective arms embargo regimes and travel bans, have made a substantial contribution to the desired objective of sanctions regimes which are both more intelligent and more effective.

III. Review of the capacity and modalities of the Secretariat for implementing the intergovernmental mandates and recommendations of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions

12. The Secretary-General has taken due note of paragraph 3 of General Assembly resolution 54/107 (see para. 1 (c) above). In this connection, the Secretary-General recalls the arrangements put in place in the Secretariat in 1996, as described in his report that year on the matter (A/51/317, paras. 4-11) and in his 1997 report (A/52/308, para. 5). Subsequently, those arrangements were reaffirmed in the 1998 report (A/53/312, para. 5) and in the 1999 report (A/54/383, para. 5), and continue to apply.

13. The Secretary-General has also taken note of paragraph 5 of resolution 54/107 (see para. 1 (e) above). It is the understanding of the Secretary-General that the General Assembly is interested in receiving his views regarding the feasibility of implementing the recommendations made by the ad hoc expert group to the Secretariat, in view of its limited capacity and resources. In this connection, the Secretary-General would indicate that the relevant capacity and modalities of the Secretariat are currently under review by several intergovernmental bodies concerned with the issue of assistance to third States affected by the application of sanctions. The Secretary-General has provided and will continue to provide his full support for the ongoing review process, including his views and recommendations as required, in order to ensure the implementation of the relevant intergovernmental mandates in a timely and efficient manner.

14. Under cover of a note dated 24 March 2000 (E/AC.51/2000/2), the Secretary-General transmitted the report of the Office of the Internal Oversight Services on the in-depth evaluation of the United Nations programmes on global development trends, issues and policies, and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions. The Secretary-General took note of its findings and concurred with its recommendations. In particular, recommendation 3, on linkages between political and economic issues and policies, states:

> "After intergovernmental agreement on a methodology for assessing the impact of sanctions on third States, the Department of Economic and Social Affairs and the Department of Political Affairs should review the required activities and capacity needed within the Secretariat. The review should be the basis for proposals presented to the relevant intergovernmental bodies as part of the revision to the medium-term plan."

The Committee for Programme and Coordination recommended approval of the recommendation and observed that the Secretary-General should ensure that the Department of Economic and Social Affairs developed adequate capacity for the implementation of relevant intergovernmental mandates.

15. As indicated in paragraph 10 above, the working group of the Security Council on general issues of sanctions has a comprehensive mandate covering all aspects related to assistance to third States affected by the application of sanctions. The report of the ad hoc expert group meeting on the matter will be made available to the working group. It is the intention of the working group to benefit from all available sanctions expertise, including hearings of outside experts and briefings by representatives of the relevant parts of the Secretariat.

IV. Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions

16. In accordance with paragraphs 4 and 8 of General Assembly resolution 54/107, which are (see paras. 1 (d) and (h) above), the Secretary-General circulated a note verbale to all States except those which had

already responded (see A/54/383 and Add.1) drawing their attention to the resolution and, in particular, inviting their views regarding the report of the ad hoc expert group meeting referred to in paragraph 4 of the resolution, as well as any other relevant information pursuant to paragraph 8. To date, no replies from Governments have been received. Any such replies will be issued as addenda to the present report.

17. With a view to further implementing paragraphs 4 and 8 of resolution 54/107, the Secretary-General invited the relevant international organizations both within and outside the United Nations system which had not yet done so to provide their views and other relevant information on the issues referred to in paragraphs 4 and 8 of the resolution. Comments received to date are summarized below. Any additional inputs will be included in addenda to the present report.

World Food Programme

18. For the World Food Programme (WFP) to operate effectively in countries where sanctions have been imposed, exemptions may be required not only for food but also for fuel, vehicles, generators and other non-food items related to the delivery of food aid. Access by WFP to ports, roads and airports must not be impeded both in the countries under sanctions and in neighbouring countries that may experience spillover effects.

19. WFP underscores the importance of a well-coordinated, multisectoral approach to the provision of humanitarian assistance during sanctions regimes. The delivery of food aid cannot be viewed in isolation. Adequate attention must also be paid to ensuring that partners are able to carry out essential activities related to beneficiaries' access to clean water supplies and basic health care in neighbouring countries. Hence there is a need for inter-agency coherence in the formulation of assistance interventions in third States.

20. WFP supports efforts to promote greater dialogue between the Security Council, its sanctions committees and humanitarian organizations. Better targeting of sanctions will help to avoid negative effects on third State populations. WFP appreciates the work being carried out to incorporate exemptions into sanctions regimes. Exemptions and clearance mechanisms should be clarified before sanctions are imposed in order to limit spillover effects on neighbouring countries and to improve the delivery of assistance to those countries.

21. Special attention should be given to dual-use items — those with both a military and civilian use — to reduce the risk of the collateral damage of sanctions and to avoid further deterioration in the humanitarian situation. For example, while restrictions on oil/fuel may effectively hinder the operations of armed forces, they could also have serious negative implications for the food security situation in neighbouring countries.

V. Recent developments related to the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in the area of assistance to third States affected by the application of sanctions

22. Pursuant to paragraph 6 of General Assembly resolution 54/107 (see para. 1 (f) above), the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination have continued to play their respective roles in the area of assistance to third States affected by the application of sanctions.

General Assembly

23. At its fifty-fourth session, the General Assembly had before it the report of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia (A/54/534). The report contained updated information on bilateral and multilateral assistance provided to the affected countries in 1997-1999, primarily in the fields of balance of payments support, transport and infrastructure development, and trade and investment promotion. Particular reference was made in the report to the relevant activities in the affected countries of the United Nations development programmes and agencies, international financial institutions and regional organizations involved in the reconstruction and rehabilitation effort in the Balkan region.

24. In its resolution 54/96 G of 15 December 1999, entitled "Economic assistance to the Eastern European States affected by the developments in the Balkans", the General Assembly took note of the report of the Secretary-General (A/54/534) on the implementation of resolution 52/169 H of 16 December 1997 on economic assistance to States affected by the implementation of Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia and the conclusions contained therein, and welcomed the support already provided by the international community, in particular by the European Union and other donors, to the affected States to assist them in coping with their special economic problems during the transition period following the lifting of the sanctions pursuant to Security Council resolution 1074 (1996) of 1 October 1996, as well as in the process of economic adjustment following the developments in the Balkans. The Assembly also expressed concern at the special economic problems confronting the Eastern European States affected by the developments in the Balkans, in particular their impact on regional trade and economic relations and on navigation along the Danube and on the Adriatic Sea, and invited all States and the relevant international organizations, both within and outside the United Nations system, in particular the international financial institutions, to continue to take into account the special needs and situations of the affected States in providing support and assistance to their efforts for economic recovery, structural adjustment and development. The Secretary-General was requested to report to the General Assembly at its fifty-fifth session on the implementation of resolution 54/96 G.

Economic and Social Council

25. By a note dated 3 May 2000 on assistance to third States affected by the application of sanctions (E/2000/45), the Secretary-General drew the attention of the members of the Economic and Social Council to General Assembly resolution 54/107, in particular to paragraph 7 thereof (see para. 1 (g) above). Accordingly, the Council, at its substantive session of 2000, held in New York from 5 to 28 July 2000, had before it the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/54/383 and Add.1). The Secretary-General drew the attention of members of the Council in particular to section IV of the report, summarizing the views communicated by Governments regarding the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions; and to section V, summarizing the comments provided by the relevant international organizations and institutions within and outside the United Nations system regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions.

26. In its resolution 2000/32 of 28 July 2000, entitled "Assistance to third States affected by the application of sanctions", the Economic and Social Council took note of the most recent report of the Secretary-General (ibid.), in particular sections IV and V thereof, welcomed the previous report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States (A/53/312), and invited States and relevant international organizations within and outside the United Nations system which had not yet done so to provide their views regarding the report of the ad hoc expert group meeting. In the same resolution, the Council decided to continue consideration of the question, taking into account the relevant decisions of the General Assembly and the Security Council.

Committee for Programme and Coordination

27. The Committee for Programme and Coordination, during the first part of its fortieth session, held in New York from 5 June to 1 July 2000, considered the annual overview report of the Administrative Committee on Coordination (ACC) for 1999 (E/2000/53), which included a section entitled "Assistance to countries invoking Article 50 of the Charter of the United Nations". In its conclusions and recommendations, the Committee stressed the important role of ACC in the implementation of the relevant intergovernmental mandates for mobilizing and monitoring the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying

out of preventive or enforcement measures imposed by the Security Council, identifying solutions to the special economic problems of those States, as well as in providing support to the efforts of the States affected by the developments in the Balkans for their economic recovery, structural adjustment and development (A/55/16 (Part I), para. 293).

United Nations A/55/295/Add.1

General Assembly

Distr.: General
27 September 2000

Original: English

Fifty-fifth session
Agenda item 163
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General

Addendum

Contents

		Paragraphs	Page
IV.	Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions	1–10	2

00-66086 (E) 021000

IV. Views provided by Governments and relevant international organizations regarding the report of the ad hoc expert group meeting and related issues of international assistance to third States affected by the application of sanctions

World Bank

1. The World Bank examined the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions. It is the Bank's view that the report provides a useful conceptual framework for estimating the direct and indirect impact of sanctions on third-party States. At the same time, the Bank considers that individual country circumstances are important in terms of the weights given to these influences, as are the complex interactions between States and the spillover effects of sanctions on the regional economy. In general, the World Bank views that a rigorous focus on trade in goods and services and on potential ramifications for employment and particularly poverty reduction is critical.

2. The Bank is working extensively in the principal third-party States affected by sanctions to improve the underlying abilities of these economies to cope with external and other economic shocks. In turn, this will also contribute to mitigating the effects of sanctions on the regional economy. In addition to providing assistance for improving the competitiveness of domestic production structures, public sector reform and diversification of trade and export structures towards the global and larger regional economies, the World Bank would also welcome opportunities for consultation and maintaining constructive dialogue with third-party States on the effects of sanctions on individual countries and the regional economy. The Bank would also consider specific requests from its member countries in this regard.

3. More specifically, the World Bank provided information on some third-party States affected by the application of sanctions imposed on Iraq and the Federal Republic of Yugoslavia. In the Middle East and North Africa region, third-party effects of sanctions against Iraq on the economies of two countries, namely Jordan and Lebanon, included the loss of exports of goods and labour services, energy imports, fiscal revenues and employment. With relatively small domestic markets, concentrated export structures and rapid labour force growth, these economies have relied heavily on oil-exporting States such as Iraq and the larger regional market for exports of goods and labour services. The latter is particularly crucial in the case of the two countries, where remittances account for nearly 25 per cent of the gross domestic product (GDP) in Jordan and 20 per cent of GDP in Lebanon. Following the Gulf war and the imposition of sanctions on Iraq, disruption in the regional economy was particularly severe for Jordan, which experienced substantial losses in foreign exchange, increases in unemployment and loss of GDP. In Egypt, where lost employment opportunities as a result of the imposition of sanctions on Iraq have also been substantial, declines in remittances have had a potentially significant impact on rural poverty levels.

4. Both Jordan and Lebanon also rely heavily on the regional market for trade in goods, as demonstrated by the fact that dependency on the regional market is roughly 13 times higher than would be expected on the basis of exports to the global economy, intra-regional exports representing about 3 per cent of total exports for both countries. Despite special arrangements for the continued import by Jordan of oil from Iraq, the disruptive effect of the sanctions regime on regional energy balances is apparent. Given the underdeveloped tax structures characteristic of countries in the region, the fiscal impact of lost import duties is another consideration. For example, taxes on international trade are nearly 6 per cent of GDP in Jordan and represent an important source of fiscal revenues. In addition, weak transport links existing in the region tend to heighten the disruption caused by the sanctions. The predominance of intra-regional trade and the lack of well-integrated trade infrastructure suggest that the impact on third-party States of physical trade-route interruption may be significant, owing to the limited number of alternative transport routes.

5. During the period following the lifting of United Nations economic sanctions against the Federal Republic of Yugoslavia, almost all the countries of south-eastern Europe improved their external positions, with significant reductions attained in 1999 in current account deficits in Bosnia and Herzegovina, Croatia, Romania and the former Yugoslav Republic of Macedonia. However, even with continuing adjustment

efforts expected in most of these countries, official balance-of-payments financing needs including grants remain on the order of $2 billion for the region in 2000. Financing for all but $300 million of these needs has been previously identified, assuming the disbursement of sizeable assistance committed, but not used, in 1999, and $400 million in net purchases in 2000 under existing International Monetary Fund programmes. Nevertheless, there remains a case for higher official balance-of-payments financing to support stronger adjustment and reform programmes in the region.

6. The projections assume that, in the absence of an acceleration of regional projects, project financing by official creditors will amount to about $2 billion in 2000. However, while this would represent an increase over estimated 1999 levels, project lending would remain no higher than 1998 levels. In view of the high economic and social return to infrastructure spending in south-eastern Europe, there is a strong case for augmenting project lending on appropriate terms in 2000.

United Nations Development Programme

7. In the view of the United Nations Development Programme (UNDP) the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions explains in a succinct and well-argued manner both direct and indirect consequences incurred by those countries as a result of preventive or enforcement measures. UNDP also finds the recommendations contained in the report to be comprehensive and useful. In addition, UNDP provided detailed information on its activities in the Balkan States affected by the application of sanctions imposed on the Federal Republic of Yugoslavia and, more generally, by the situation in the region. Main points of general and regional concern are summarized below.

8. Since the break-up of the Socialist Federal Republic of Yugoslavia, UNDP has provided support and assistance to the following countries affected by the developments in the Balkans, including by the effects of the Yugoslav sanctions regime: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania and the former Yugoslav Republic of Macedonia. UNDP activities in those countries include support to post-humanitarian rehabilitation and socio-economic regeneration, as well as longer-term local and national capacity-building, promotion of good governance, democratization and economic reform, and development of productive facilities, including small and medium-size enterprises. While UNDP activities do not on the whole specifically address the effects of sanctions, they may have had some direct or indirect impact on mitigating their harsh social and economic consequences for the countries of the region. In some cases, such activities may also have contributed to the efforts of the affected countries to measure the impact of sanctions and develop policies to address the effects of sanctions on their economies.

9. In order to ensure a cohesive approach to the Balkans, UNDP has continued to support regional projects and activities in south-eastern Europe. For example, UNDP sponsored a report on human security in south-eastern Europe to provide a regional dimension to the various policy dialogues and options for decisions related to the post-conflict reconstruction of the region. In addition, UNDP supports a subregional Early Warning System for South-eastern Europe based on national early warning reports from all Balkan States which monitor key economic, social, political, ethnic and religious indicators, with a view to providing timely signals of forthcoming crises or emergencies. The analysis of these indicators can be used by Governments and international organizations to identify the potential for violent conflicts, develop strategic responses to emergencies and present policy options to key decision makers.

United Nations A/55/296

General Assembly

Distr.: General
15 August 2000
English
Original: English/French/Arabic

Fifty-fifth session
Item 116 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and cultural diversity

Report of the Secretary-General**

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/160 of 17 December 1999, entitled "Human rights and cultural diversity".

2. In the above-mentioned resolution, the General Assembly requested the Secretary-General to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, for submission to the General Assembly at its fifty-fifth session; and decided to continue consideration of the question at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

3. In accordance with paragraph 5 of the resolution, the Secretary-General, in both a note verbale and letter dated 3 May 2000, invited Member States, relevant United Nations agencies and non-governmental organizations to transmit any information and comments relevant to the subject matter.

4. As at 25 July 2000, the following replies had been received.

II. Replies received from Governments

Chile

[Original: Spanish]
[17 May 2000]

5. [...] Although, all persons are born free and equal in dignity and rights (Constitution of Chile, Article 1), there are nevertheless people who, although equal, are different, by reason of origin, sex or disability, or because they are children, ill or elderly etc. It is this difference or diversity that in many cases makes them vulnerable to discrimination, which means that they do not have the same rights as the majority. Significant progress has been made in this area since 1990, when democracy was restored. Legislation has been enacted on behalf of these minorities, in particular indigenous people, the disabled, women and children. A start has thus been made on resolving all traditional situations of discrimination and inequality, which not only result in

* A/55/150.
** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 15 August 2000 so as to include as much updated information as possible.

00-61095 (E) 210900

injustice but are unconstitutional. Unless they are resolved, full democracy cannot be achieved.

6. [...] According to the Ministry of Education Act No. 18,956, article 9, the Division of Cultural Extension is responsible for encouraging cultural development, artistic creativity and the growth of Chile's cultural heritage. The Artistic and Cultural Development Fund was established under this article to finance in whole or in part artistic and cultural projects in any cultural area. Funds to support cultural initiatives used to be part of the Ministry of Education and were very useful for small grass-roots or regional cultural or artistic groups.

7. As regards the protection of the cultural heritage, Supreme Decree No. 252, published on 7 June 2000, proclaims Chilean Cultural Heritage Day, which aims to promote awareness of the importance of our cultural heritage at every level of society.

8. [...] Participation in the social and cultural life of municipalities is important, since such participation entails the shared interests and needs of those who live in the same locality. Title IV ("Civic participation") of the Organization Act establishes the task of advising a municipality in order to ensure the involvement of community organizations, whether neighbourhood groups or groups engaged in activities relating to the municipality's economic, social and cultural progress.

9. Indigenous Peoples Act No. 19,253 was passed in order to recognize, protect, promote and develop indigenous peoples. The National Indigenous Development Corporation was established as a decentralized public service whose function is to promote, coordinate and, where necessary, implement State action to further the comprehensive development of indigenous persons and communities, particularly in the economic, social and cultural fields, and to promote their participation in national life. The Act discriminates positively in favour of indigenous persons and groups, who have been segregated and robbed of their lands and culture since the conquest, have lived in a state of extreme poverty and have had no chance of attaining equality with the country's other inhabitants. One of the duties of the Corporation is to promote indigenous cultures and language and cross-cultural bilingual educational systems, in coordination with the Ministry of Education.

10. The Alliance's policy statements consistently demonstrate concern for indigenous people and set very challenging goals, including the development and expansion of effective, ongoing cross-cultural bilingual education and continuous dissemination of information in the mass media concerning indigenous customs and values, which enrich society. Legal studies now aim at initiating the reforms necessary to harmonize international indigenous rights standards with Chile's domestic law. A recent Constitutional amendment, submitted to the Congress, aims to ensure the constitutional recognition of indigenous peoples and thus their political participation in the State. The amendment is being considered as a matter of urgency.

11. In the past, indigenous people would rarely enter into litigation on an equal footing with non-indigenous parties. Generally speaking, indigenous people were denied a defence because they did not understand "Chilean" laws. Now indigenous customary law is recognized in the new Indigenous Peoples Act, which makes it possible to resolve disputes among indigenous parties and for ordinary courts to recognize those decisions.

12. Similarly, very significant advances have been made on behalf of women: an amendment to the Constitution and the recognition of and legislation on family violence, decriminalization of adultery (for which only the woman used to be punished), and new legislation on descent, removing all distinctions between children.

13. [...] Although significant progress has been made in ensuring equality for women in society, there are still differences between what is paid to men and women for the same responsibilities or work. A 1999 constitutional amendment replacing "All men are equal ..." by "All persons ...", while certainly highly symbolic, also represents the principle of equality between men and women. The Government's programme contains a number of proposals to improve women's standard of living, including programmes on justice, health, education and participation.

14. [...] The most important tasks pending are the following: harmonization of domestic law with the international treaties ratified by Chile; establishment of the Office of Women's Ombudsman, as part of the Office of the Ombudsman; legislation to regulate the system of maintenance payments; regularization of common law marriages, in order to protect the family produced in those marriages; labour reforms giving female temporary employees equal access to the social

insurance system; revision and amendment of the legislation on family violence.

15. [...] In 1999, the distinction between children born outside wedlock and those born within wedlock was abolished. It was a distinction that led to open discrimination in law against so-called "natural" children. All children now enjoy equality before the law. Nursery education has been given constitutional status, which means that all children have equal access to education. Adoptive parents now have the right to parental benefits, one result of which is to make the complex process of adoption easier.

16. [...] In 1994, Act No. 19,284 was promulgated, which provided for the full social integration of disabled persons. According to article 1, the purpose of the Act is to ensure the full integration of persons with disabilities into society and guarantee them full enjoyment of their rights under the Constitution and the law. The Act stipulates that the disabled shall enjoy equality of opportunity in their access to culture, information, communications and physical spaces, and full access to education. The Act also established a National Disability Fund, an independent corporation with full powers of acquisition, and power to exercise rights and contract obligations, in order to administer resources on behalf of persons with disabilities.

17. [...] Legislation has been introduced on behalf of women and children, the disabled and indigenous peoples. Legislation on behalf of minorities is a means of directly granting them recognition and encouraging equal participation in society, access to education, health and justice and, most important, access to culture — in some cases of indigenous people, to their own culture.

18. Significant progress has been made in human rights and cultural diversity. The Government's policy base indicates and demonstrates that it is on the way to creating a fairer, more democratic society that respects, guarantees and protects fundamental human rights, thereby fulfilling Chile's obligations under the international treaties to which it is party.

Islamic Republic of Iran

[Original: English]
[3 July 2000]

19. [...] The cultural aspects of human rights have not so far been duly treated and clearly defined. Thus, discussions on this subject have often been accompanied by distorted controversies and ambiguities which, in our view, not only present a significant obstacle to the realization of cultural rights but also weaken attempts to arrive at a universal understanding of human rights.

20. [...] While the significance and potential contribution of cultural diversity to the life of mankind is clearly highlighted [in both resolution 54/160 and the Declaration of the Principles of International Cultural Cooperation, of November 1966], there exist some rigid attitudes towards this issue. Some adopt an absolutist approach, which prohibits any attempt to incorporate culture, history or religion into an evaluation of human rights. Others reject any international instrument and hold that such an instrument may be alien to their thought, tradition or culture. Both sides, in our view, are influenced by misinterpretations of the position of cultural diversity in human rights discourse. Different cultures can contribute to and learn from each other through interaction in lieu of counter-action. The UNESCO Declaration recognizes cultural cooperation as a right and duty for all peoples and all nations, which should share with one another their knowledge and skills.

21. [...] The Islamic Republic of Iran believes that the adoption of resolution 54/160 helps to pave the way and fosters a favourable environment for a constructive dialogue on the ways and requirements of taking advantage of different cultural heritages to promote the universality of human rights. Meanwhile, it is obvious that such a dialogue requires good will, open minds and hearts, flexibility and farsightedness on the part of all interlocutors.

22. The Islamic Republic of Iran believes that the right of all peoples and nations freely to pursue their cultural development is a significant aspect of the right to self-determination. Article 1 of both the international covenants provides that "all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." In light of the above, the resolution on human rights and cultural diversity attempts to elaborate and further encourage the cultural aspect of the right to self-determination.

23. [...] Individual and collective aspects of cultural rights need to be equally born in mind and promoted internationally. Implementation of the recommendations

of the resolution can contribute considerably to the fulfilment of this national and international task.

24. In sum, the Islamic Republic of Iran is of the opinion that the adoption of resolution 54/160 by the General Assembly is a clear indication of the importance that the international community attaches to the relation between human rights and cultural diversity. At the same time it serves as an appropriate preliminary measure, facilitating the commencement of a global and constructive discourse on the issues mentioned above.

25. The Islamic Republic of Iran calls upon States, international organizations and United Nations agencies as well as civil society to pursue seriously the evolution and materialization of the objectives and principles of the General Assembly resolution on "Human rights and cultural diversity".

Libyan Arab Jamahiriya

[Original: Arabic]
[17 July 2000]

26. While the Libyan Arab Jamahiriya affirms that human rights are universal, interdependent and interrelated, it believes that such universality must not fail to take account of the cultural, historical and religious particularities of different peoples or result in the cultural hegemony of one group of States over all the other countries of the world.

27. Each nation has, indeed, the particular culture that is best suited to its own reality, and persons who belong to national, ethnic, religious or linguistic minorities must be entitled to pursue their own cultures if a community for all that guarantees respect for the human rights of each of its individual members is to be established.

28. Given its position of advocating and supporting respect for the cultural identity of all peoples as a means of ensuring the exercise of human rights and promoting tolerance, concord and solidarity among all cultures, religions and races, the Libyan Arab Jamahiriya was a sponsor of General Assembly resolution 54/160 of 17 December 1999, entitled "Human rights and cultural diversity".

29. In order to enhance cultural diversity and tolerance among peoples and thereby promote the advancement of human rights at the national and international levels, the international community must maintain and augment its efforts to refute theories and ideologies that have the aim of creating dissension and conflict between different cultures or fanaticism for one particular culture with a view to imposing a situation of hegemony and subordination on all other cultures. Every country has the right to preserve the cultural identity of its peoples, regardless of relative size or population figures. This requires the promotion of tolerance based on encouraging and protecting the cultural diversity of human societies and acknowledging the contribution made by each culture to the shaping of human civilization.

III. Replies received from relevant United Nations agencies

30. Substantive information received from relevant United Nations agencies, is summarized below.

United Nations Educational, Scientific and Cultural Organization

31. Although the United Nations Educational, Scientific and Cultural Organization (UNESCO) is working actively with a view to protect cultural diversity, the subject needs to be treated with great care, bearing in mind its complex nature. The protection of cultural diversity can easily be used as an excuse for cultural relativism, which is the negation of the principle of the universality of all human rights. UNESCO works for the affirmation of pluralistic cultural identities based on common values. The Organization's activities are aimed at teaching different groups to live together with mutual respect and acknowledging the richness of each culture. The close link between cultural diversity and human rights should always be emphasized. In implementing its activities in this field, UNESCO always keeps in mind the conclusion of the World Conference on Human Rights, which stated that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it was the duty of States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms.

32. Many of UNESCO's activities and projects are in relation to cultural diversity and human rights.

33. In January 1999, UNESCO and the Commonwealth Secretariat organized a symposium entitled "Towards Constructive Pluralism" in Paris. One of the outcomes of this consultation was recognition of the need to create conditions for the development of a constructive ethnic, religious, cultural or other pluralism, while bearing in mind that a "divisive" pluralism would be a great threat to peace in the twenty-first century, since differences might be used to justify poverty, exclusion and oppression.

34. UNESCO participated in the conference "Building on Plurality: Cultures in an Evolving Global Center", organized by the European Commission and the Government of Canada in 1998 in Quebec. This theme was followed up at Vienna from 11 to 13 June 1999 at the International Conference organized by Austria on the topic "Cultural Pluralism and Global Ethics" to which UNESCO made its contribution. The next stage should be the drafting of the Vienna Manifesto on Cultural Pluralism and Global Ethics.

35. On the occasion of its fiftieth anniversary, the Swiss National Commission for UNESCO invited UNESCO to organize a conference on "Interculturalism in UNESCO: the Benefit of Diversity" at Bellizone, Switzerland, in May 1999. On that occasion, the General Assembly of the Swiss Commission adopted the Bellizone recommendation on intercultural dialogue.

36. Within the framework of the programme on global cultural diversity, financial support was given to the Youth Initiatives Supporting Centre, established by the UNESCO Federation of Clubs in Armenia in order to focus on the culture of Armenian minorities through young people.

37. In order to combat discrimination against the gypsy population, in 1998 UNESCO published the multimedia work (book and CD-ROM) entitled "Tsigane, heureux si tu es libre!", which demonstrates by words, pictures and music the cultural richness of the gypsy universe.

38. Within the framework of the Universal Forum of Cultures: Barcelona 2004, UNESCO organized, in April 1999, a workshop on the media and representation of other cultures. The same subject, with focus on the image of Islam in Western media, as well as the dialogue between civilizations (June 1999), was dealt with by the Oxford Centre for Islamic Studies, with the participation of UNESCO.

39. With a view to making the Olympic Games an instrument for international cooperation based on intercultural dialogue, UNESCO, in partnership with Greece, has committed itself to re-establishing the cultural dimension of the Games by observation of the Olympiad, whereby, throughout the four years separating the two Olympiads, a whole series of major cultural activities of global scope will be organized.

40. UNESCO, under its programme of intercultural dialogue, emphasizes two basic approaches closely linked to cultural diversity: the promotion of reciprocal knowledge of cultures and civilizations; and the interactions between cultures and civilizations. In that context, it is important to avoid the risk that the promotion of diversity be considered as the promotion of differences.

United Nations Population Fund

41. The United Nations Population Fund (UNFPA) is aware of the importance of cultural values and their linkages with population issues and with human rights. UNFPA stresses the need to respect cultural values in the design and implementation of its assistance programmes, while carefully but strongly addressing human rights issues.

42. Respect of cultural diversity is apparent in UNFPA-funded programmes and projects which vary considerably in their focus and approaches from one region to another. This has led to a better understanding of population issues and facilitated finding appropriate approaches to difficult issues, such as sexual violence, female genital mutilation (FGM), honour killings, and forced marriages. These approaches have facilitated the successful introduction of the sexual and reproductive rights of women and men on the agenda in many countries, resulting in changes in policies to protect those rights and empower women. For example, legislation banning FGM has been adopted in African countries such as Burkina Faso, Central African Republic, Ghana, Togo, Benin, Côte d'Ivoire and Senegal. Other countries such as Nigeria are in the process of doing so. In addition, a field inquiry on the progress made in the implementation of the International Conference on Population and Development reports that all but one country in Latin America and the Caribbean have taken significant policy measures and made legislative or institutional changes to protect women's rights.

43. As part of the five-year review of the implementation of the Programme of Action of the International Conference on Population and Development, UNFPA organized several regional meetings and technical symposia to discuss, among other things, the linkages between human rights, cultural values and population issues. In addition, the ongoing cooperation activities between UNFPA and the Islamic Educational Scientific and Cultural Organisation (ISESCO), a specialized institution of the Organisation of the Islamic Conference (OIC), have led to improved awareness and respect of women's reproductive rights in many member States of OIC. These cooperation activities consisted in the organization of workshops and development of educational materials with an Islamic perspective, to make them more suitable for Islamic countries. Similarly, UNFPA actively collaborates with Christian and other religious groups in the area of reproductive health and girls' education, in respect to their human rights. For example, UNFPA supports the provision of natural family planning methods for those who do not wish to use artificial methods. UNFPA has also appointed goodwill ambassadors in several countries to advocate specific human rights issues from a cultural perspective. Furthermore, UNFPA has made provision within several of its country programmes to developing short films and plays to address the linkages between cultures and human rights.

44. Finally, UNFPA supports initiatives and programmes to address the special needs of indigenous populations. These include the development of culturally sensitive reproductive health information and education programmes and services with full participation of indigenous communities which respond to their needs and respect their rights.

World Intellectual Property Organization

45. The notion of "intellectual property", defined in the 1967 Convention establishing the World Intellectual Property Organization (WIPO), is a broad concept, including productions and matter not forming part of the existing categories of intellectual property.

46. Among many activities related to intellectual property, WIPO recently decided to pay particular attention to traditional knowledge. In 1998, it undertook a set of activities designed to explore the intellectual property aspects of the protection of traditional knowledge. The main objective of these activities under the 1998-1999 budget was to identify and explore the intellectual property needs and expectations of the holders of traditional knowledge.

47. WIPO conducted nine fact-finding missions to 28 countries, designed to gain a sense of the needs and expectations of traditional knowledge holders. A draft report on the missions was published for comment on 3 July 2000.

48. In cooperation with UNESCO, WIPO organized four regional consultations on the protection of "expressions of folklore", which were held in Africa, Asia and the Pacific, Arab countries, and Latin America and the Caribbean. The consultations provided guidance for WIPO's future work in relation to the protection of folklore (see www.wipo.int/traditional knowledge).

49. WIPO organized two round tables to facilitate an exchange of views among policy makers, indigenous peoples and other holders of traditional knowledge on the most effective application of the intellectual property system for the protection of traditional and indigenous knowledge.

50. WIPO is organizing, in cooperation with the United Nations Environment Programme (UNEP), an on-site documentation project on the role of intellectual property rights in the sharing of benefits arising from the use of traditional knowledge and associated biological resources.

51. WIPO's exploratory work in 1998 and 1999 has shown that traditional knowledge is a rich source of creativity and innovation. WIPO's work programme for 2000-2001 biennium responds to several of the needs and expectations identified during 1998 and 1999, and includes, inter alia, the following: the development of information materials on options under the existing intellectual property system for the protection of traditional knowledge; practical, national information and training workshops on the intellectual property system and the protection of traditional knowledge; intellectual property information, training and standards for the documentation of traditional knowledge; practical studies of actual examples in which traditional knowledge has been sought under the intellectual property system; feasibility studies on the applicability of customary laws to traditional knowledge; launching a pilot project on collective acquisition, management and enforcement of

intellectual property rights in traditional knowledge, and organization of a meeting on intellectual property and genetic resources (17 and 18 April 2000, Geneva).

IV. Replies received from non-governmental organizations

52. Substantive information received from non-governmental organizations, is summarized below.

Swiss Academy of Humanities and Social Sciences

53. The Swiss Academy of Humanities and Social Sciences subscribes, in principle, to General Assembly resolution 54/160. However, an unhappy ambiguity runs through the text of the resolution regarding the relation between the rights of individuals and those of communities. The supreme value and point of reference, also in the field of cultural rights and cultural diversity, must remain the human rights of individuals. Although there are important collective rights to be taken into account, they must never overrule what is the inalienable asset of individuals.

54. At the same time, cultural diversity has its constitutive limits necessarily dictated by the respect of individual human rights and of cultural entities other than the one to which observing subjects belong. This aspect does not appear as clearly as one could rightly expect.

55. There is a need also of recognizing that the protection of cultural diversity must include the prohibition of gender discrimination.

56. Another important aspect concerns the growing domination of cultural self-realization by new technologies. The engineering of an individual's genetic property and identity should be mentioned in this context. Unfortunately, the General Assembly resolution does not give any hint as to how to tackle those problems.

Inter-Parliamentary Union

57. At the 103rd Conference of the Inter-Parliamentary Union (IPU) in Amman (Jordan), a resolution entitled "Dialogue among civilizations and cultures" was adopted on 5 May 2000. By that resolution, IPU's member parliaments commit themselves to promoting dialogue among civilizations and cultures. The Conference invited parliaments to take effective measures to maintain and promote cultural diversity at the national and international levels and to take an active part in the programmes of the United Nations and UNESCO for the dialogue among civilizations and culture and to encourage their Governments to contribute to such programmes.

58. According to paragraph 21 of the resolution, the Conference recommends that the secretariat of IPU and national parliaments, in coordination with the United Nations Secretariat and other relevant organizations, prepare the contribution of IPU to the programmes of the year 2001, the United Nations Year of Dialogue among Civilizations. Paragraph 17 already sheds some light on the focus of such a contribution by recommending that the bodies involved in the organization of the programmes do not confine themselves to awareness-building activities aimed at promoting the idea of dialogue among civilizations but rather take the opportunity of the Year to launch or encourage practical dialogues between cultures or civilizations at the local, national, regional or world level which can continue beyond the year 2001.

V. Conclusion

59. The Secretary-General welcomes the contributions made by Member States, relevant United Nations agencies and non-governmental agencies.

60. The present report highlights the increasing need to emphasize the common core values shared by all cultures. Human dignity and the right to life, freedom from want, freedom from fear and protection of human rights through the rule of law are basic values which are reflected in international human rights principles.

61. The United Nation Charter, in its article 55, stresses the integral link between international cultural cooperation, development and human rights. The Universal Declaration of Human Rights recognizes also the right of everyone "to take part in cultural life" (Article 27). The major human rights treaties, including both the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child, provide a normative framework for protecting cultural diversity. In her statement on the universality of human rights, at a congress organized by Weltachsen 2000 in Bonn on 11 November 1999, the United Nations High Commissioner stated that universality did not negate cultural diversity.

62. United Nations treaty monitoring bodies have considered the issue of cultural diversity and human rights in elaborating general comments, in their concluding observations/comments on States' party reports, and in decisions on individual communications.

63. In a number of general comments, the Committees address the question of cultural diversity and human rights. The Committee on Economic, Social and Cultural Rights, in its General Comment 4 on the right to adequate housing (HRI/GEN/Rev.4),considered the issue of cultural adequacy of housing and noted that the way housing is constructed, the building materials used and the policies supporting them must appropriately enable the expression of cultural identity and diversity of housing.

64. Country-specific issues related to cultural diversity and human rights have also been addressed in the periodic reporting procedure. In its decision on individual communications, the Human Rights Committee has considered the question of cultural diversity and human rights. For example, in the Lovelace case,[1] the Committee decided that there had been a violation of article 27 of the Covenant on Civil and Political Rights with regard to an Indian woman who, by having married a non-Indian, had lost her rights by national law to reside on a reserve after the breakdown of her marriage. The Committee noted that there was no place outside the reserve where her right to access to her native culture and language could be exercised in community with other members of the minority in question.

65. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provides substantive and organizational support to extraconventional mechanisms and funds which support cultural diversity, including the Working Group on Indigenous Populations, the United Nations Voluntary Fund for Indigenous Populations, the Open-Ended Working Group on the Draft Declaration on Indigenous People, and the United Nations Voluntary Fund for the International Decade of the World's Indigenous People; the Special Rapporteur on the right to education; the Special Rapporteur on traditional practices affecting the health of women and children; the Special Rapporteur on the right to freedom of opinion and expression; the Special Rapporteur on the question of religious intolerance; and the Special Rapporteur of the Commission on Human Rights on contemporary forms of slavery.

66. OHCHR also makes a substantial contribution through the Human Rights Technical Cooperation Programme, especially in the context of the United Nations Decade for Human Rights Education.

Notes

[1] "Selected decisions of the Human Rights Committee under the Optional Protocol" (CCPR/C/OP), p. 6 and pp. 249 et seq.

United Nations A/55/296/Add.1

General Assembly

Distr.: General
11 September 2000

Original: English

Fifty-fifth session
Item 116 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and cultural diversity

Report of the Secretary-General

Addendum

I. Introduction

1. Subsequent to the submission of the report of the Secretary-General, in accordance with General Assembly resolution 54/160 of 17 December 1999, the Libyan Arab Jamahiriya and Guatemala transmitted their contributions dated 18 July and 21 July 2000, respectively.

2. The information received from the Libyan Arab Jamahiriya and Guatemala is contained in the present document.

II. Replies received from Governments

Guatemala

1. The 1985 Constitution of the Republic recognized the existence of ethnic groups and the right to cultural identity. This recognition was further strengthened by the initiation of the peace process in Guatemala. In this context, it is essential to mention the Agreement on identity and rights of indigenous peoples, signed in March 1995. Through that agreement, Guatemala recognized for the first time that the Guatemalan nation is multi-ethnic, multicultural and multilingual in character; the State of Guatemala is comprised by 24 ethnic groups (producing 24 languages).

2. It is important to point out that the present Government has included indigenous people as a major topic within the Government Plan for 2000-2004. Reference should also be made to the statement by the President of the Republic in January 2000, in which he stressed the following:

> "All of us as Guatemalans must pledge ourselves to transforming and democratizing the present exclusionary State, which excludes the indigenous peoples, which penalizes cultural diversity, which persecutes those who express their identity,

* A/55/156 and Corr.1 and 2.

00-63752 (E) 290900

which silences those who express themselves in their own language".

5. Through the above statement, the President of the Republic encouraged the full development of the indigenous peoples, the eradication of racism and discrimination, including the question of participation in the present system of government.

6. The State of Guatemala encountered some obstacles in the process of establishing the foundations of a multi-ethnic, multicultural and multilingual State. First of all, there was the process of constitutional reforms through the mechanism of consultation with the population, which was carried out in May 1999 as part of the peace agreements. Unfortunately, this consultation, which dealt with important reforms related to indigenous matters, proved a failure, partly because, as subsequent studies showed, at that time the people had not properly adjusted to the peace agreements and because the priorities of citizens were still focused on other topics, such as security and the improvement of their household economy.

7. The planned constitutional reforms include amendments to, inter alia, article 1 (protection of the individual), article 66 (protection of ethnic groups), article 70 (specific law), article 143 (official language), and article 203 (independence of the Judicial Branch and the power to judge), recognizing and promoting the cultural diversity of Guatemalan society. The proposed reform contains, for example, references to the multicultural, multi-ethnic and multilingual character of the Guatemalan State within the unity and integrity of its territory, and recognition, respect for and promotion of many indigenous languages, etc.

Libyan Arab Jamahiriya

8. The Great Socialist People's Libyan Arab Jamahiriya is of the view that "human rights and cultural diversity" relates to a critical issue concerning both human rights and the relationship between cultures, including their direct influence on questions of international peace, development and cooperation.

9. It places high value on the importance of preserving cultural diversity and safeguarding the cultural identity of all peoples as well as on the importance of the coexistence of cultures on the basis of positive dialogue and mutual respect.

10. It further respects all other cultures and facilitates the exercise by non-nationals of all of their cultural rights, including practice of the rites and ceremonies particular to their religions by means of its national legislative enactments and in accordance with the international instruments in force in the country.

11. It continually emphasizes the indivisibility of human rights and the fact that the cultural rights of human beings, which include the right to cultural distinction, are no less important than political, economic and civil rights.

12. Recognizing the importance of cultural diversity in the enrichment of the heritage of humankind, the Great Jamahiriya called for the establishment of full African unity based on a consummate awareness of the linguistic, religious and ethnic diversity of the African continent.

13. The Great Jamahiriya, however, discovers itself among the threatened cultures of this age: the predominant reasoning of (military, political and economic) supremacy, the enormous disparity between the peoples and countries of the globe, the adverse repercussions of economic globalization, the tremendous potential of communications technologies and information exchange and the overwhelming superiority of the centralized capitalist media which serves as the spokesperson for one culture alone are all factors that together threaten to obliterate, distort or marginalize the majority of the world's cultures in favour of one cultural model of prevalence in the international media: the culture of the West and the United States.

14. In addition to jeopardizing the cultural diversity of humankind, this may further stir sentiments of animosity and intolerance, as well as every form of fanaticism, opening the way for the culture of confrontation and closing the door on the culture of peace. In this respect, full and effective respect for human rights must occur within the framework of respect for different national, cultural, religious and historical characteristics.

15. The Great Jamahiriya therefore holds the view that any stance on human rights and cultural diversity must take into consideration the following points:

(a) Indivisibility of all human rights;

(b) The essential need for respect for cultural characteristics in dealing with human rights;

(c) Suitable conditions for the benefit of peoples, with a view to eliminating manifestations of underdevelopment, such as disease, poverty and ignorance;

(d) Creation of an international environment that is free from the fear of nuclear, biological and chemical weapons and means of mass destruction, in order to ensure the flourishing of science and advancement of the arts and literature;

(e) A collective right of every nation, people and cultural group to practice, develop and hand down its culture through generations, which is encompassed in the right of peoples to self-determination;

(f) A greater attention to marginalized and threatened cultures, in order to ensure their continued survival;

(g) Utilization of the technological progress in communications as a means of facilitating cooperation among nations and dialogue between cultures, as well as a means of preserving identities and consequently strengthening cultural diversity.

16. In order to counter the main threats to cultural diversity identified in paragraph 3 above, the Great Jamahiriya calls for consistency within the international community with regard to:

(a) Observing the instruments, principles, customs and laws generally accepted by the international community, with a view to ensuring the preservation by peoples of their identity, their special characteristics, their diversity and cultural, intellectual, doctrinal, political and social traits of distinction (...);

(b) Rejecting discrimination based on differences of colour, sex, religion or cultural affiliation;

(c) Avoiding the imposition of any moulding, shaping or one-sided cultural attitudes;

(d) Resolving cultural conflicts and clashes (...);

(e) Liberating culture from commercial considerations;

(f) Establishing mechanisms for continuity and cultural dialogue at the national level and in the context of bilateral relationships between States and cultural institutions, as well as in the context of international organizations, and promoting non-governmental organizations working in the field of cultural protection.

17. Furthermore, the Great Jamahiriya is of the view that arbitrary respect for cultural diversity must be avoided. The concept of cultural diversity should not be used as justification for interference in the affairs of other States and the preservation of cultural characteristics cannot be used to warrant restriction of the individual and collective human right to freedom of expression and the freedom to receive full information (...).